

**Town of Milton Planning and
Zoning Commission Meeting
Milton Library
Tuesday, October 20, 2009
7:00 p.m.**

1. Virginia Weeks called the meeting to order at 7:00 p.m. Ms. Weeks took a roll call of the members present:

Ted Kanakos	here
Al Perkins	here
Ed Kost	here
Louise Frey	here
Virginia Weeks	here
Gene Steele	here
Dick Grieg	here

2. Additions or Corrections to the Agenda:

Virginia Weeks: There being none, may I have a motion for the approval of the agenda?

Ted Kanakos: I make a motion we approve the agenda.

Al Perkins: Second.

Virginia Weeks: All those in favor, voice vote please. Aye. Against. There being none, the agenda is approved unanimously.

3. Approval of Minutes

Virginia Weeks: Approval of the minutes from September 29, 2009. Does anybody have any corrections or additions to the minutes?

Dick Grieg: I have a comment. When I went back over this after we got our mailing, I found we used in one hour 8,000 words. That's a lot of words. The brewery, which had been I thought cleared previously, but maybe things have happened since I was last on Planning & Zoning took up most of the time; it just seems to me we could have been a little more efficient in our time.

Virginia Weeks: We would have been if the City Engineer had not put that comment in.

Dick Grieg: What comment was that?

Virginia Weeks: That the Town should try to have some sort of wording. We needed to see what we could do to protect people. You received that letter with his note in it.

Dick Grieg: Yeah, I didn't read it that way.

Virginia Weeks: Any other comments? There being none, may I have a motion for the approval of the minutes?

Ted Kanakos: I make a motion that we approve the minutes.

Gene Steele: Second.

Virginia Weeks: This is going to be a voice vote.

Ted Kanakos	Yes
Al Perkins	Yes
Ed Kost	Yes

Virginia Weeks	Abstains. I didn't read them
Louise Frey	Abstains
Gene Steele	Yes
Dick Grieg	Yes

Virginia Weeks: The motion carries. The minutes are approved.

4. New Business

1. Comprehensive Plan Update Review and Recommendation of Draft Document, as Presented.

Virginia Weeks: May I ask the attorney if she would like to say something about the importance of a Comprehensive Plan and how it plays into zoning and the town and its legal ramifications.

Mary Schreider-Fox: I assume that we all know what the Comprehensive Plan is, so I won't burden everybody with that. The Comprehensive Plan basically is the document from which everything else zoning-wise in your community flows. You have to have the Comprehensive Plan; an original one was put in place many years ago, in accordance with State Law and then from time to time you have requirements that you have to, at a five year mark, do a review and see if everything seems to still jive or match up with what you originally contemplated in the Comprehensive Plan previously. Then every ten years, you have to do a rewrite or a more formal amendment; so all of your zoning matters and any rezoning issue that comes up; everything has to match up with your Comprehensive Plan. Basically, the Comprehensive Plan is the vision; the Zoning Ordinances and other things that you have in place, that's you putting into place the vision; and then eventually Enforcement is making sure that you're putting into place the vision is actually working, and everybody is following the rules. That's just kind of a legal overview of what the Comprehensive Plan means or is supposed to do. It is my understanding, at this point, we are at a five year review mark, so that is less onerous and burdensome, at times or typically on a municipality or county government, what have you; because it is not that big ten year mark. If I say anything incorrect, Debbie will correct me; but the statutory requirements behind what is involved in what you have to do when you are making or performing your five year Comprehensive Plan Review is a little bit vague according to State Law. State Law dictates what we have to do and what we don't have to do; and State Law requires that the Town go through some of the preliminary processes with State Agencies and other than that, it just really says that the governing of the municipality needs to pass it. So, I mention all of this because as far as State Law requires, which is the only law that governs us in this Comprehensive Plan Review Process; it really doesn't give us a whole lot of guidance or give us a lot of requirements that we have to follow; other than the coordination with State Agencies; because that, of course, is one of the underlying reasons behind having a Comprehensive Plan in Towns and Counties is because they want to make sure that whatever the Counties do and the Municipalities do, that it matches up with what the State wants us to do. It's just a means of making sure everybody is working together. As far as the process, it more or less can be what we want it to be, in terms of Planning & Zoning involvement; Public Meetings; Public Hearings; it's really up to your governing body. If

you want to have a public hearing every single night, you could; but it's not required. It's a little bit of a malleable process in terms of how grassroots we want to be, or not.

Virginia Weeks: Am I not correct in thinking that any changes made to the Comprehensive Plan have to be reflected in the Zoning Ordinance within 18 months of the passage of the Comprehensive Plan.

Mary Schreider-Fox: I think you might be thinking about the provision in the Delaware Code of when an original Comprehensive Plan is passed and that was done years ago, for Milton. This is just an update review process. There are a lot more steps and it's a lot more onerous of a process when you're putting together your original Comprehensive Plan; that's already been done. Right now you're in the five year review process and I just pulled out the statute; it's Title 22, Section 702, Sub paragraph E, that says "At least every five years municipalities shall review its adopted Comprehensive Plan to determine if its provisions are still relevant, given changing conditions in the municipality or in the surrounding areas. The adopted Comprehensive Plan shall be revised, updated and amended as necessary and readopted at least every ten years." That's the relevant provision in the state code.

Virginia Weeks: Thank you. Would the Planning Consultant like to bring us up-to-date on what has transpired in the past up until this point, please?

Debbie Pfiel, with URS, City Planner: I can give you feedback on the Comprehensive Plan over the past couple of months. We were asked, by we I mean myself and Robin Davis were asked to go to the Office of State Planning and one of the steps that a lot of municipalities are taking is to have a pre-plus meeting with the State Agencies. So we submitted a pre-plus application, asking the State Agencies what they're going to require in the plan. That helps a lot because they're experts. DelDOT's experts and they're State maintained roadways are in your network. The historic and cultural affairs are in there, as well. We had that meeting on June 3rd and 30 days later we received comments. Upon receiving comments, we then were asked to meet with the Town Manager; Robin, myself, the Town Manager and the Town Clerk and to find out how much of a grant that we wrote has been remaining. There were enough funds remaining to finalize an Executive Summary. So we were working with between \$6,000-\$7,000; we were told at that meeting that the city did not have any additional funds; we contacted the University of Delaware; we contacted State Planning for another grant or additional funding. At the same time, we were told that our funding is going to expire in July. It's a use it or lose it; so what we had to do was figure out a way that we could finish the grant money and finish the project so you're also within compliance of the State Law as far as your update; we can get an extension on the update; which we requested until 2010. In meeting with the Town Manager, we prepared several different options in the scope. We prepared where the Public Hearing was going to be held; we went through several different options before we prepared the scope that we felt met the needs of the State Agencies; who was going to be able to certify the Plan. We presented the Scope to the Town Manager; he made some changes to the document itself and asked us to present it to the Town Council. We presented it to the Town Council and it was approved for the scope, as far as what pages to take out and what pages to change. Upon that approval of scope, I was contacted by the Town Manager to start the project and I was told to use the majority of the funds in this last fiscal year. So the grant project would be until October 1st, we would try to get as much work as we could get done during September. So what you

have in front of you is the result of that scope; which is a document with tracked changes on; so the task that we were given has been completed, as far as the document and it has been asked to be given to the Planning Commission tonight for consideration on the document for this item that we have here in front of you. The next item we do have some discussions as far as additional recommendations you may have. Before I get into the presentation of the document, I do want to share with you the one map that has changed in the Comprehensive Plan. For legal reasons, we have given you a spreadsheet of all the parcels that have been changed on the map; this is Map Exhibit "G". You received this in your packet as an 8-1/2X11 and I know that's very hard to see. On the spreadsheet, if you look at the sheet I just passed out, there were four parcels that requested to be changed by the property owners and this was not done this year; we've had one request this year and the past requests came last year. The items that we have in the blue are the actual parcels that are requesting changes or are a change to the map. These are the parcels that are recommended by the Comprehensive Plan Committee; these are the three parcels for Dean Sherman's property and this little small blue dot, actually wants to down size their land use from commercial to residential, is I believe the Hughes'.

Virginia Weeks: Just so we're clear, that large purple area runs along Route 16. Dean Sherman's properties are behind Food Lion.

Debbie Pfiel: They are on the left hand side of Union Street, so if I am going on Union Street, it's right beside the commercially zoned property in the town limits.

Virginia Weeks: It's like sort of behind Food Lion.

Debbie Pfiel: I'm not sure of the title of the street, but it is right behind the Food Lion.

Virginia Weeks: The Michael Hughes property that would be a property over where Dr. Wagner has his office.

Debbie Pfiel: Correct and actually that one was really a surprise to us because in doing Comprehensive Plans I have never seen anybody request to go from commercial to residential. Robin has been in contact with this gentleman several times. The bank will not give him a loan on his home, because it's zoned commercial and usually we can write a letter to say, it's valued more than what you have on it. But he's specifically requested land use to residential and there is a house on it now. This map was just to show you what is on the spreadsheet; what has been changed; just for you to be able to read it more easily. This map has no other changes, other than those noted. The changes that you see on this map are now fully integrated on this map. This is the final model that you have in your book.

Ted Kanakos: With Dean Sherman's property, has this already been approved from residential to commercial?

Debbie Pfiel: No, these are for consideration during this process. Dean Sherman, a little bit over a year ago, requested that the Town change the Comprehensive Plan Use Map and the State of Delaware does not allow you to change a map if you are so close to a full blown update because it will be a change to the map...

Ed Kost: [Said something unintelligible]

Debbie Pfiel: He's the only red one outside of the town limits. Maybe it's easier to see here. So since he requested it, it's up for consideration and the Planning Commission can say it doesn't mesh with the land use around it; we're against it; we're for it; but it's a request that's come in from the public.

Virginia Weeks: Just to point something else out. The red line around there is our so called growth area. Right?

Debbie Pfiel: Correct, the potential expansion area is red.

Virginia Weeks: The town boundaries are yellow on that second page.

Debbie Pfiel: Yes, they're orangish yellow, yes.

Ted Kanakos: Dean Sherman's property is in town?

Debbie Pfiel: It's out of town. If it was in town... It's out of town, because this is a future land use map, so he's asking for his land, if he wants to be considered for annexation, he's asking it to be able to be considered for commercial, not residential.

Virginia Weeks: Mrs. Frye?

Louise Frey: Yes, as this property is out of town, if this committee says that yes it is okay for this to go to commercial, then it has to go to the County for approval for that.

Debbie Pfiel: What has to happen is if he wants to bring it in for zoning for Milton...

Louise Frey: Suppose he doesn't. Suppose he just wants to build on it as a commercial piece of property; now it's residential or vice versa.

Debbie Pfiel: Then the County.

Louise Frey: Then he would have to go to the County for approval and would they look at what we're saying and say that Milton doesn't matter; they don't care, so we'll do it.

Debbie Pfiel: In the growth area, the rule of thumb for planning if the municipality gets dibs on the property first and the applicant could come in; we know that doesn't always work with governing jurisdictions though. But you would just be depicting if this property wanted to come in Milton, it would be eligible to come in as residential or commercial; this does not dictate the County map at all. Not at all.

Louise Frey: So it doesn't matter what we say.

Debbie Pfiel: It's already in your growth area now; but it's residential, so you're saying if you want to be annexed, we're only going to take you in residential on your map now.

Ted Kanakos: Why doesn't he just request it when he needs it later on? He's not even annexed it right.

Debbie Pfiel: The problem with the Comprehensive Plan is State Planning will not let you bring a piece of property in that does not match the land use that has been governed and approved by the Town of Milton; so if he comes in and wants to put a commercial piece in there, he would have to ask for an amendment to this map; so it could be a rezoning.

Ted Kanakos: If he wants to be annexed, he would have to come in at that time.

Debbie Pfiel: And then ask for an amendment to this map. The State will not certify a rezone process if the land use is not coherent with Exhibit "G".

Ted Kanakos: He wants to get in under the gun.

Virginia Weeks: Let me see if I understand this. For example, on the lower left hand corner, you have a large parcel which is residential. If that fellow came in and wanted to make that commercial, the County would not allow him commercial, because it doesn't match that map.

Debbie Pfiel: This is not a County decision; the County has their own map. For example, you can only control what's in town limits and the rest is a prediction. If somebody in your growth area decides to come in under a different zoning with the County, then that's with the County's plan. Am I correct Mary; they have the governing jurisdiction at that time?

Virginia Weeks: I'm missing the connection of why is it important that Dean Sherman get this change; neither pro nor con; just why is it important.

Mary Schreider-Fox: Right, when somebody annexes into the town, at the time of annexation you have to attach a zoning classification; it goes hand in hand; they are basically done simultaneously. In order to attach a zoning classification, it has to match up with the Comprehensive Plan, so basically all of your growth areas, that's the possible wish list. We're not even saying it's the actual wish list, it's the areas you think you might expand to later and bring into town; the possible areas for annexation and in order to bring someone in you have to attach zoning. In our Comprehensive Plan wish list growth area, we say well we think that this area looks good for commercial properties for whatever reason, maybe because it's next to a commercial area. So if we go off in this direction to any of these properties, we're going to say they can come in if they are commercial because that makes sense to us. That is a reasonable ordered way for us to grow the town, in a way that we want to. Now if one of those properties, later on says, I see on there that the Comprehensive Plan says all of us should be commercial, if and when we ever come in; I'm interested in coming in; but I don't want commercial, I want to keep in residential; that would require another change to your Comprehensive Plan; because we can't do anything; we can't bring anyone in and attach zoning to them unless it corresponds with our possible wish list on the Comprehensive Plan. What Debbie was saying is at least with one owner he's expressed an interest in coming into the town...

Virginia Weeks: Actually, you've answered the question. In other words, whatever zoning designation we've given in our growth area, that's what he's entitled to when he asks to be annexed in.

Debbie Pfiel: Half right; just one word was misleading, land use. The land use determines zoning. So this is not a zoning map, it's a land use map. So this land use map would determine what zoning categories; sometimes you have R-1, 2, 3, 4; C-1, 2; but land use.

Virginia Weeks: For example, that purple on the first page, please; that light lavender piece, that's all Light Industrial (LI); now if he wanted to annex in as residential and our Comprehensive Plan says Industrial, can he annex in as residential.

Debbie Pfiel: He would have to ask the Town of Milton to consider a change to Exhibit "G" in the Comprehensive Plan prior to annexation. The way I explain this to other jurisdictions, this is your sales and marketing for where you determined where you want to see things in the town. So when somebody comes in and they are industrial, they come in and say okay let me look at your Comprehensive Plan, the realtors and lawyers work that way; they look at the Comprehensive Plan and they say what's purple or light lavender; and that's where Milton has told me they want me to go.

Virginia Weeks: In other words, all that area on both sides of Route 16 would already have the right to come in as Large Parcel Development (LPD).

Debbie Pfiel: As they have in the past, yes; as your current code says now.

Virginia Weeks: But can we change that?

Debbie Pfiel: You can as number 2 on your agenda, if you want any other changes, other than the scope that we have, I would make a note for the second item on your agenda to request that you want to review this map.

Louise Frey: Since we're talking about Exhibit "G", that light purple part, is Light Industrial and that's right behind Wagamon's; right behind the railroad track. Now explain to me what Exhibit "H", it says level 1, 2, 3 what are the levels there?

Debbie Pfiel: Exhibit "H" is strategies. That's where the State has determined is investment levels 1, 2, 3 and 4.

Louise Frey: What does it mean, Debbie?

Debbie Pfiel: For example, what was happening before state strategists came out was, everybody was geared and instructed to develop around infrastructure. If you wanted to develop back in the day, it was get around the town; they have water, sewer, police, streets; they have enough infrastructure to maintain capacity. The past ten years we've seen a lot of stall, where you have almost a town, next to a town that isn't incorporated; so you may have a Sub-Division or a mixed used development of 400+ acres; so what the entire State of Delaware did is they went and determined what they felt should be the first priority investment levels. For example, level 4 is out of play; if you want to develop an out of play area for state strategies, good luck; the state is going to come in and say why they don't want you to invest; they want you to invest in 1 and 2 and then 3. This is a state document and they are getting ready to redo that; because they've had so much sprawl outside municipalities. For example, when you get Artesian and Tidewater and the private servers outside, the people say why should I come into a town; if I get higher density in the County; why would I come into a town? So what this state strategy is to try to get people towards more infrastructure and it's determined by the state and adopted by the legislation.

Louise Frey: And when was this changed to Industrial?

Debbie Pfiel: We did not change it; so it's been in your Comprehensive Plan since the last revision.

Louise Frey: Which was when?

Debbie Pfiel: 2003.

Louise Frey: 2003.

Debbie Pfiel: That's why I tried to do the map this way. We only changed these parcels to let you know.

Virginia Weeks: Those are the suggested changes.

Debbie Pfiel: Yes, for example, in our scope, this is one map that really in a lot of towns they really want to have workshops on; they want the neighbors to come and see what your neighbor could be when they expand or when they grow. This specific map especially.

Louise Frey: When we bought in Wagamon's, I would have to have a screw loose to spend almost \$500,000 to buy a house that is like 3 blocks away from an Industrial area. We were told that was going to be agriculture.

Debbie Pfiel: That is probably true, if I took a guess today it is zoned that in the County. But if they want to come into the town limits, the town has said, if we want you to come in, we want you to be Light Industrial.

Louise Frey: What town said that?

Debbie Pfiel: The Town Council had a vote on your Comprehensive Plan and the Planning Commission was a part of that.

Virginia Weeks: That was back in 2003.

Louise Frey: And we can change this now? And we can make a recommendation to the Council to have this changed?

Debbie Pfiel: What I would do is item number 2 on your agenda, is things outside of these changes and I would definitely recommend to Council that if you want to rework Exhibit "G" for your land use, like I know the LPD, you want to rework this, suggest that to your Council so we can get it changed to this scope. We haven't had an opportunity to be able to have a workshop with the limitations of the scope.

Ted Kanakos: All the people in the proposed expansion area that are not annexed into town, have they been contacted?

Debbie Pfiel: These in a proposed growth area, you're not telling them to be annexed in; you're not making them be annexed. All you're doing is saying if you're interested, we will listen to you; but there's another piece that's missing. You have to be contiguous. You can't take a piece of property out here, if it's not touching town limit boundaries.

Ted Kanakos: I realize that, but what I'm asking are the folks that are in this proposed growth area.

Debbie Pfiel: No.

Ted Kanakos: They have to figure this out themselves.

Debbie Pfiel: No, when we talk about expansion area in a Comprehensive Plan, when you hold your public hearing, for example, you have one audience member tonight and this was advertised, people that understand the value of a Comprehensive Plan, of how it could change property values as Mrs. Frey is kind of alluding to, tend to attend the workshops. They really tend to come out to public hearings. That's why we did those 15 lists. Your annexation growth area here, they have not done notifications for potential growth; that's not required by state law for potential growth. If you're going to require mandatory annexation or eminent domain, then there would be a whole uphill battle; but this is just saying we're considering our growth area; and they don't have to be notified because we're not changing any zoning or land use.

Ted Kanakos: So if they don't respond or react to what's going on, they're frozen in time until the next map comes up, which is a number of years down the line; unless they request the map be changed and they're contiguous.

Debbie Pfiel: Correct and I can let you know about map amendments, because in most of my towns, I have done 2 and 3 map amendments within the five years. From the time it's adopted until the 5th year in most of my town, I've done 2 and 3 map changes. What Council considers though, is they usually say, lets not do just one for everybody, lets try to lump it, maybe one every year and a half because the state doesn't mind intermittent changes, but monthly changes. Being that we haven't had any changes at all to your first adopted plan, I would envision that we would have quite a list for item number 2 on your agenda tonight, because there haven't been visionary workshops; there hasn't been development pressures to change or LPD issues that have been brought up for item number 2 for example, for a change of the scope.

Virginia Weeks: Specifically speaking to what you just said, is there a reason that the only public hearing on this proposed schedule on January 4th after everything is presented to all the state and the county committees and that accommodated the Town Council is scheduled to approve this? Why isn't there a public hearing before that?

Debbie Pfiel: As far as the way the scope was, as you see the document tonight based on the scope and the amount of money that was allocated by the town to do this project;

there is not a lot of major changes to your Comprehensive Plan, with the exception of this map that could have a potential impact. So based on the scope and based on conversations with the Town Manager, it was determined to have one public hearing and it was at the end. However, there is room in there that we told him if we need another public hearing or if Council has to go to February, we built in a cushion time during our meeting with the Town Manager if there needs to be another public hearing; that's fine, but that was what we were supposed to get from the Town Manager.

Virginia Weeks: I'm going to strongly suggest that we request another public hearing at the Town Council level or wherever it's appropriate.

Debbie Pfiel: That's a good item to bring up under item number 2. I'd write that one down too.

Ted Kanakos: I'm reading in public participation in the Comprehensive Plan, checklist all plans should have some provision for input by public. Public input is most useful early in the planning process and should help form the goals and recommendations for the development of a community vision for the future is a useful exercise. This doesn't seem to be early, at all.

Debbie Pfiel: I believe you're using the document that was given several years ago from Office of State Planning by the University of Delaware that we all used to form the first Comprehensive Plan. It was the recommendations of the first Comprehensive Plan and a full blown update. Milton is not doing a full blown update; you're doing an Executive Summary.

Ted Kanakos: So we can use that as a reason not to have an early public hearing.

Debbie Pfiel: In our company, we do open houses, we do workshops, we strongly envision public participation, but based on your scope, these are the items that could be in question on Exhibit "G" and if you actually read the document we provided tonight; there's not major changes other than updating your water facility; updating the sewer; wordsmithing. These are the major changes to your plan.

Ted Kanakos: How about the folks that live around this area. Don't they have an opportunity to comment?

Debbie Pfiel: Correct; and we do have a public hearing set for that.

Virginia Weeks: But it's after everything is already approved.

Ted Kanakos: An hour before the Council approved.

Debbie Pfiel: Correct, for these 24 properties, if you would like the Council to have them contacted directly, we just weren't instructed to do it. We were told that we had to stick by the scope and this was what we had to do. But if you want to recommend that these people be notified and a workshop be held or a change to the scope; definitely bring it up under item number 2 on tonight's agenda.

Virginia Weeks: For example, Ted, I think that it's important that the people in town also see this map so they know where they live; what the piece next to them is being zoned as.

Mary Schreider-Fox: I just want to interject something very quickly. There's been talk about meeting with all the State Agencies and getting all of that done. That is part of the pre-application review process. The State requires that you get in touch with them very early on in any process with the Comprehensive Plan, because they are the head honchos in all of this; to some extent. The Delaware Code specifically provides nothing gets changed; nothing gets implemented unless the governing body actually votes yes on it; but they require being involved very early on in the process. The sheet that Mr. Kanakos

read off of that is talking about when you pass your original Comprehensive Plan, those things about early participation and things like that; I mentioned this earlier; at this stage where we are, there are a lot of things that aren't required, but you may think they are a good idea and that's why there is this meeting tonight so you could add in your two cents and say we think this level of participation is a good idea at this point; or prior to that point. I also wanted to point out, there seems to be some sort of suspicion or question around the idea that there's a public hearing scheduled for the same evening that the Town Council will be considering it; and I just wanted to comment that there are lots of things that require public hearings at the town level; all sorts of things; before Town Council, before this body, when on the same night that you make a decision. I just mention that the public hearing is held prior to the actual decision. In theory and it does happen, comments will be received from the public and the governing body, whoever it might be, that has to pass the final document; sits there and goes that's a really good idea; we'll pass it with the condition that the actual map is changed to make this partial residential. I just don't want to diminish the importance of even having that public hearing on the same evening; sometimes it is done for economy; because it costs a lot of money to call public hearings and to staff those and things like that.

Debbie Pfiel: If I may interject, because I typed the scope and I'll be able to defend that. On the scope itself, we did have the public hearing as one meeting, as a workshop separate then a Council meeting and we were told to put it together, if it can happen, it will. So you always do put two items on the agenda; you always do put the public hearing in this and then when you get to the item, as you've probably seen at the Council meetings, they will table it; they can table it; they can consider it contingent upon; or they can deny it; so there are some options; but in a schedule you try to get as positive as you can. It does not mean any of those dates can be thrown out for any reason from the Council, as well.

Virginia Weeks: I think the confusion is coming that it says November, December final recommended document forwarded to the office of State Planning and Coordination for review; final recommended document forwarded to Sussex County for review in November and December; and then in January is the public hearing. We're just questioning why have public hearings after the final document has already been submitted?

Debbie Pfiel: You're misunderstanding the process and let me just explain the theory that State Planning can not sign off on a document prior to public hearing; it's illegal. They can not sign off on this document prior to the public hearing. We get it in their hands so we can take their comments to the Council. Let's say the Draft document everybody says it's good or not; we take it to State Planning and they say you missed this; we want you to do this; we want you to do that; we want to have those read into the record at the public hearing; those get read into the record at the public hearing; so you front load the requests; there's no sign-off; there's no approval; there's recommendations. If and when the Council adopts the document, they have to adopt it contingent upon certification from State Planning. We like to find out before you finish the product; we like to find out during the mainstream; treat the State Agencies and the County like we have another jurisdiction and get their comments before you close public hearing process; so it's just a longer public hearing process for them; and it's a front loaded way to do it to get the information before you spend a lot of money.

Dick Grieg: It seems to me, looking at all these schedules and everything, kind of jamming up, there's a lot of angst about this. Why didn't this process begin several months ago?

Debbie Pfiel: You would have to ask the Town Manager who runs the town. We were contacted to submit the pre-plan in May and we met with the state agencies in June; other jurisdictions work differently under the jurisdiction of the Council or the City Manager. Sometimes we do updates every year with a town. They have \$10,000 each year for us to come in and do workshops on one map at a time; then next year we do another portion of the Comprehensive Plan; so at your five year plan, you've been working on it all along; but I'm not empowered to run the town and this is the direction we got.

Dick Grieg: I was just wondering what you thought, because it appears to me that we are being sort of backed into a corner on time frames and January is going to get here really quickly; with the holidays coming up it's going to be very difficult to do some of the things that you could have done back in April, May, June, July.

Debbie Pfiel: I would have to agree. I can let you know that my client, which is the Town of Milton, came to me and asked us to come up with how much money they have available and how fast they can get this done so they don't lose their grant; and we came up with a recommendation. This is not our company's ideal situation because if you contact our other towns that we do Comprehensive Plan or State Planning, we have a very good reputation for workshops; we do firehouse open houses; where we go to a firehouse and we talk about maps and people have colored crayons; and we do surveys in town; in Dagsboro we ran several surveys to say, what is the Town of Dagsboro lacking; what is the Town of Dagsboro wanting; we also did Millsboro; we did Harrington. We have a lot of experience. But if the client comes and says we have this much money and you have to get it done in this much time, we just give a recommendation and they would vote on it.

Dick Grieg: So, as usual, Milton comes out looking...

Virginia Weeks: Actually, the Council approved the scope of the work; the schedule can be amended, because we have to report on those funds preferably by June 1st, which means that we could actually go to May with this.

Debbie Pfiel: Actually, that's incorrect. You'll have to have the bills if you have a consultant work on it, we met with Mr. Dickerson today and he said the end of April would have to be adoption, because consultant bills go a month late. State Planning recommends that we have bills in. The reason I'm letting you know about the schedule is if you know anything about scopes, schedules are attached to scopes. The scope was written with that amount of money, with that schedule; so if there is a change to it for any reason, for anybody; it just has to be a change to the scope by the Council. What we've done tonight is this first item on your agenda is just to consider the changes in red in your document and the map. The second item on the agenda is very important; that would be items that you feel you would want Council to consider as a change in scope and the Town Manager will be bringing those to the Town Council in November. If they decide to do something they want us to act on; we would act accordingly with our client.

Virginia Weeks: At this time, I would ask all the Planning & Zoning Commissioners to make a point of attending the November meeting in case there are any questions from the Town Council.

Debbie Pfiel: And we'll have a list of your comments that will go directly to the Town Council tonight.

Virginia Weeks: I'm sorry, but I think it's important that we get this all out on the table.

Debbie Pfiel: That's why we did your agenda in order. Back to item 1, in the Comprehensive Plan you see that there were no amendments since the last adoption; there were several narrative changes that had to be done. Who's on the Planning Commission; who's on the Council; who's your Mayor; you don't even provide sewer anymore; so those items had to be updated throughout the document. The Police Department; you have a new school now; the top ten employers have changed; and throughout this document what we did was we have researched the information; gotten the reference of the facts from different parties involved and put them in red in your document to ensure that we can have an Executive Summary approval. I didn't know if you wanted me to go page by page or if you have specific tabs or how you wanted to run that.

Virginia Weeks: I will go page by page, I have questions.

Debbie Pfiel: Does everybody have a list or a markup of what they have in their document? That will probably be faster.

Ted Kanakos: The reason that this process started in June, was simply based on the financial constraints that we had. Could this have begun earlier with the amount of money? So the Town Manager decided to wait as long as he could to get under the line, in other words. It's being accomplished, but it's being accomplished. He knew this was coming.

Virginia Weeks: I think that's something you need to ask the Town Manager.

Debbie Pfiel: I would let you know that every municipality does something different, but when you adopt a plan it is known that you have to address it in five years; you can do one of two things; you can do a full blown update; you can do an Executive Summary, which is minor changes, like we're proposing; or you can do nothing and say we're fine with our Comprehensive Plan. I've had one town which said we're fine. They haven't had any kind of growth. Those are the options, but a lot of towns have been budgeting every year for this and knowing that it is coming up and I have no idea what the town's budget is and whether they have allocated money or how they get it.

Virginia Weeks: I do know that the grant that we wrote in 2006 is going to expire; we received money in 2006 for this project and part of it was spent because if you remember Ted, back then there was a meeting, and a Comprehensive Plan Committee was formed and we met many, many times just to get that little purple piece in; the other parts, the Dean Sherman and the other part was not part of our purview. At that time we were not supposed to address any zoning within the growth area; we were told that would come later.

Debbie Pfiel: And that's what I was directed to tell the Committee, is we were going to do an update when the update was coming and that was every meeting just about.

Virginia Weeks: So some of the Comprehensive Plan money was spent back then for consultant and for Robin to get that done and what is left over is what we're using now. There's a time limit on that money; that money you have to justify it by July 1, 2010 and they're suggesting that we do it by June of 2010, which means that the Town Council really should pass the Comprehensive Plan at their April meeting, or at a meeting in

April, so there's time to financially pay everything out and get it into the State by June 1st. Am I getting it right?

Debbie Pfiel: No, that's exactly correct. Because even though the funds are there, you have to backdate with public hearings, notices, etc., so Ginny's correct. April is the last public meeting eligible for Council. That does not mean that the town does not have a funding line item. I've been told that there are not funds available; that if the town had funds available, we would take a different approach to this project.

Virginia Weeks: But it also could be that some of this schedule could be amended and spread out so the same amount of money is spent, but over a longer period which would allow for a public hearing at the Town Council level or a special meeting.

Gene Steele: I think we need to get George in here to talk to us and see who controls this at the other end.

Virginia Weeks: I think that is something that needs to occur at a Town Council meeting, not here.

Debbie Pfiel: I agree because as your consultant, I'm only told what Council approves or what the Town Manager wants me to do. That's what we've given to you. That's why we've put item number 2 on your agenda tonight. We've got it. We've had people tell us our company is not doing the right thing, so item number 2 is very valuable to be able to be taken back to the Council on your concerns.

Virginia Weeks: I would like at this time to start just going one page after the other; if anybody has any comments, we will just go through the pages. Nobody has any problems with Page 1. Page 2, Page 3, Page 4 had no changes. Page 5 had some changes; one of the things I said was if you'll notice in the second paragraph down, this vision responds to the needs and desires of the community. I don't know how we know that, but supposedly this does it. Does anybody have anything on Page 5?

Ted Kanakos: On Page 5, although it's in red, there's nothing in black.

Virginia Weeks: Black is what is in the original Comprehensive Plan, as it stands now; the one written in 2003.

Ted Kanakos: And that cannot be changed.

Virginia Weeks: It can; what is in red and has lines through it is what is in the old 2003.

Debbie Pfiel: And item number 2 would be your black items in your code, so we are looking at changes that we have made for item number 1 on your agenda and item number 2 on your agenda would be additional. For example, this would be an item number 2 item. So if we could go through the red marked crossed first?

Ed Kost: Are we going to vote on something tonight? Are we going to make a motion?

Debbie Pfiel: For your report? We've talked about that today with the Town Manager and what we looked at doing is for item number 1, because there could be a lot of lists for the changes only in red, we're going to have to go through the minutes; because item number 2 I feel will have more input than item number 1.

Ed Kost: I shouldn't worry about item number 1.

Debbie Pfiel: In talking today, we discussed it and we feel that the Planning & Zoning minutes are going to have to be completed and going to have to be what's forwarded because we are looking for a motion of your choice on item number 1 and item number 2, so as a group, as a whole, you feel how you feel about item number 1 and item number 2.

Virginia Weeks: For example, if I may please, if it comes time for a motion to recommend this, you can either vote to recommend; not recommend; or recommend with stipulations.

Debbie Pfiel: That's correct.

Virginia Weeks: For example, if you find a lot of things that are in here that you don't care for, you can vote not to recommend the changes; if you find things that you think need changes, you can vote to recommend the stipulation that these changes occur.

Debbie Pfiel: Yes, item number 2 would be anything not in the red and anything we have not marked out. So, for example, the line that she just brought up, that would not be for discussion at this time; that would be for discussion under item number 2.

Ted Kanakos: So anything in black would be for item number 2.

Debbie Pfiel: Correct. So we're looking at the red marks basically.

Virginia Weeks: For example, if you don't like one of the maps we're going to look at, don't pass the recommendations. How are we going to recommend a growth area map, if we don't like it?

Debbie Pfiel: Our scope was to do the changes that have been recommended by either the Comprehensive Plan Committee or by the Applicants. If you choose that you do not want the Light Industrial Area, your recommendation under item number 2, you definitely want to hold a public workshop and look at the future land use map as a whole picture rather than as a whole picture.

Virginia Weeks: So then we would make a recommendation to either approve or disapprove your work, excluding the maps. Do you understand where I'm coming from? How can I approve the map in the first one and then have changes in the second?

Debbie Pfiel: Right now you're only approving, as far as mappings, the change that we have in Exhibit "G"; and it's those ones in blue. If you decide that you do not like the ones in blue, you would make a comment; but if there are other pieces, other than the ones in the blue/purple, it would be item number 2.

Virginia Weeks: In other words, we would approve the three changes as presented, but not the map. Dean Sherman, the fellow over by Dr. Wagner and the big piece.

Debbie Pfiel: Yeah, there are actually 30 pieces there, yeah that exhibit that we gave you there is probably the best; if you want one of those not to be on there, then you would make a recommendation for that spreadsheet that I gave you, to pull one out.

Virginia Weeks: Does anybody understand what my problem is?

Mary Schreider-Fox: Item number 1 on your agenda, the goal is to look at what's already been done in terms of recommended or suggested changes and to say, without thinking about everything else, we're just going to look at those recommendations; and are we okay with those recommendations. Item number 2 on your agenda is in addition to those things that we're okay with, we also suggest that you look at X, Y and Z. So with respect to the maps, the only change that has been suggested are those three blue pieces of property; but as a practical matter those three things are the ones that are being changed. If you're okay with those three things, you go okay, we're all right with those three properties getting the designation that's in this package as an existing suggested mark-up and then when we get to item number 2 on our agenda; but in addition to that, we also want you to look at the light purple area. Because right now you're not approving any maps, you're just saying with the work that's been done so far, we think that's okay or not okay, whichever. Then when we get to number 2, in addition to the work that's been

done so far, we think you should do this or we don't think you need to do anything. That's how we're trying to break it down just to keep it orderly.

Virginia Weeks: We're going to recommend the three changes as presented.

Debbie Pfiel: When you say three, somebody may say three pieces of property; so you might want to attach the exhibit to it. But, I do envision tonight one, probably having fewer items and two, having a lot of recommendations.

Virginia Weeks: Okay, anybody else have anything on Page 5? Page 6, 7, 8. I would like to suggest on the 3rd paragraph, Milton has always been an industrial center and for this reason it was located... and it doesn't say anything about Dogfish Head there. I think it's important to add that.

Debbie Pfiel: We said Federal Street and Medical Park because there are several other pieces in there, as well; and we went with what really was the business on the south side industrial area. But we covered it by putting in, as well as other businesses located in the vicinity, as well as trucking, lumber. That's not a problem if you wanted us to add that; we just didn't include everybody.

Virginia Weeks: He's such a major employer, such a big presence physically and economically.

Debbie Pfiel: So after the fifth line, after as, Dog Fish Head Brewery...

Virginia Weeks: Is everybody in agreement?

Al Perkins: I think that's an appropriate change.

Virginia Weeks: Anybody object?

Ted Kanakos: I don't object, I concur; but if you put Dog Fish Head in you should put Atlantic Plastics which has 100 employees.

Virginia Weeks: That's not redeveloped, I think that was there, in itself, part of the granary; it's not part of the Cannery Village which is exactly what they are talking about here.

Robin Davis: When you are talking about the granary, the granary only has the Federal Street and Medical Park, only. That is it. The granary is not the same as the cannery. Draper Canning was on the Cannery Village parcel.

Virginia Weeks: Maybe we need to put Cannery Village in there also, because there was granary and canning was a big part of it, wasn't it?

Robin Davis: The canning portion was on a different parcel, where Cannery Village was at. The granary, which used to be across from the school, is now only houses Federal Street Medical Park only.

Virginia Weeks: Dog Fish Head is in the old canning site.

Robin Davis: Yes.

Debbie Pfiel: I see what you're saying, but what we were tasked with there is a sentence that was there, if you see the strikethrough, that is no longer valid; so what we took out was continue to do business in the south industrial area. We specifically modified that one sentence. We did not add a new sentence or a new area; we just changed that specific sentence to update it.

Virginia Weeks: Granary alone doesn't give a clear picture of what was there and what has happened. Most people don't understand what the medical buildings are on; they all think of it as the Cannery Village area. I think it would be appropriate to add to the original canneries and granaries and add Dog Fish Head.

Debbie Pfiel: Then we can put WBOC, and...

Virginia Weeks: Yes.

Debbie Pfiel: I don't have a problem with that, but I just want to make sure that you understand why we did what we did because we aren't rewriting the Comprehensive Plan; we are just changing that sentence.

Virginia Weeks: I understand, but my point is we are supposed to give a picture of what it's like today.

Debbie Pfiel: For the original granary, correct; that why we did it.

Virginia Weeks: It's really more than the granary. Any questions on Page 9? On Page 10, I have a question and it's probably my map; in the second paragraph, the above estimates and projections blah, blah, blah, as is shown in Table No. 2 below since 1990 the town has granted a total of 720 building permits and an estimated household size of 2.33 persons in the U.S. Census 2000; this would mean 1,677 people in new housing alone. On Table 1, what is the population of Milton projected for 2010?

Debbie Pfiel: 1,983.

Virginia Weeks: Does that mean we only have 300 people living in the old part of town?

Debbie Pfiel: Well one calculation is based on building permits and the other is population projections, which as we know from this chart are pretty far off. The 2005 were off over 100, or I guess 780 to 819, I should say.

Virginia Weeks: I just don't see how it matches up.

Debbie Pfiel: You take the 720 times the 2.33; isn't that the way we did it Robin?

Virginia Weeks: I'm looking at 1,600 people in new houses. I'm looking at a total population in 2010 of 1,983.

Debbie Pfiel: Correct. One is based on building permit data, so they won't always match up; one is based on population estimates, which as you know are estimated based on a percentage. The other one is based on building permits. Those will not always match, because building permit growth can change a lot more than your population projections.

Virginia Weeks: But it's like 1,000 off.

Debbie Pfiel: We only went by the building permit numbers to get that calculation.

Virginia Weeks: I just didn't understand why it mattered.

Debbie Pfiel: You really want it to be the same. Common sense wise you think they would be the same, but based on the building permits issued.

Virginia Weeks: I think that our population in 2010 would at least be over 2,000 people.

Debbie Pfiel: We pulled that projection data rate from the census.

Virginia Weeks: We're on Page 10; does anybody else have anything else? Page 11.

Louise Frey: Holly Lake has multi-family 44. That probably isn't right because that was approved a year ago and I do believe that after a year they have to come back to this board so that shouldn't be 44 units.

Debbie Pfiel: You still keep them on your books as worst case projected development. All of these, if they expire within a year, like your plans expire within a year; but when this Comprehensive Plan is done, you want to give them a true image of what you feel is coming. The way you did this in the past was you used to get funding according to your Comprehensive Plan and your projected growth and your project plans. As we know, there is no funding available from the State, but if there are 44 approved units when this document is done, they need to be placed in here for reference only.

Louise Frey: But somebody could come in and build 6 houses in there; buy the property and just build 6 houses; so that 44 figure would be off, wouldn't it?

Debbie Pfiel: That would be the case on any of these. The 425 for Heritage Creek, they could come in and build 2. This is your estimated total units for future build out.

Virginia Weeks: Is the Orchard still a viable community or have they sunsetted also?

Robin Davis: When I was speaking with Bob Kerr about this, it's been a while ago, the issue with the Orchards, they were about to start; somewhere in the same time the Mulberry Street project was getting ready to start. From what I can gather, the Town was working with Mr. Czonka to basically not hold up his project, but to let Mulberry Street; they did not want that going on at the same time. I wasn't here when that all came about.

Virginia Weeks: That was year's ago.

Robin Davis: Yeah, but I think that's why the Orchard project is still a good project.

Ed Kost: At Cannery Village the population went from 538 homes to 384 homes; the plan was originally approved for 538; what happened to the 156 homes?

Debbie Pfiel: This is what's left to be built. The title of the project is projected future residential building projects; these are to be done. These aren't encompassing the whole development. These are what's on the books and I'll tell you where we get this information from; it's when they did the Master Water Plan, when the Council approved that in January or February of 2009, the Master Water Plan you have to submit what is your current on the books build out and Mrs. Frye and Mrs. Weeks are actually this could change tomorrow, this could change under the sunseting if Council was to take away your sunseting laws it could change. But as of today, this is what we have for viable projects on the books for forecast.

Ted Kanakos: I have a question, maybe Robin on this Holly Lake Village, now that entire property is for sale. It is still valid, on other words if someone was going to buy it, they still have all the approvals or has anything lapsed?

Robin Davis: Nothing has lapsed yet. The issue with that was, as you are probably all aware, Mr. Rubino, the developer for the project, a week or so after the approval, decided to walk away from the project. Mr. Turner, who had it all fall back into his lap, has been working with the town; first of all with the owed money from Mr. Rubino. The town was holding on approval the project, until we got the money, as we do with most of the other projects. We don't want to lose money and have money lying out there and approve the project and we'll never get paid. So the Town waited until we had an agreement with Mr. Turner to take care of the back payments; and that's when the drop dead data started; at that point; so it is still currently good.

Virginia Weeks: Are there any other questions on Page 11? Okay, Page 12, tax base. We just had a reassessment. Does this reflect the reassessment values?

Robin Davis: No, it does not. We did the 2008 that was the actual numbers; that was the most final numbers that we had. The 2009 was the reassessment and that has not actually been finalized yet, so we went with the 2008 numbers.

Virginia Weeks: When will that be finalized?

Robin Davis: Good question.

Virginia Weeks: We're all paying tax bills on it, right? I assume it's finalized.

Ted Kanakos: When will we get our tax bills which reflect the change?

Robin Davis: Your new tax bills go out in January, if I'm not correct, but I'm not the tax person, so I can not tell you that.

Ted Kanakos: That's based on the latest reassessment? Your tax bills in January are based on what's been reassessed?

Robin Davis: They are still having public hearings, I think.

Virginia Weeks: This is the deal, then. If the new tax bills are going to be based on the new assessment, this should reflect the new assessment.

Debbie Pfiel: This number here says the valuation, so any Comprehensive Plan you have to remember that when you do the document, you go by most current numbers available. If there are any numbers that change in January, we can go back and do it again; but remember the cycle of taxes, the cycle of budgets, the type of building permits, if they are on calendar or fiscal; that's a continual motion so we're lucky we got the 2008 to make sure that we can back that up.

Virginia Weeks: But by December you will know if the January tax code is going to be reflective of the new assessment.

Debbie Pfiel: If that data is available and they want us to insert it, we would be more than happy to; that's a small, minor change.

Ted Kanakos: Excuse me; can we just make a note that there was a reassessment for anyone looking at this in the future for whatever purposes?

Debbie Pfiel: And I would put that in Item 2, as a recommendation, that you want to say that there is a reassessment that's being completed at the end of 2009 calendar year.

Virginia Weeks: Would everybody please keep a list of anything they want to see changed, so when we go back over that... Okay, Page 13 has no red; Page 14 you have here Town of Milton, the only thing I'm questioning here is did Quillen Signs go out of business?

Robin Davis: No, they did not go out of business, but they were not in the top 13. We left the total of 13, just like it was. So some of them moved out, some of them stayed on.

Virginia Weeks: So Dry Basins and all that are not in here.

Robin Davis: No, what you have are the top 13, it's all of them. The rest of them would be below that.

Virginia Weeks: Is it noted here that these are the top 13?

Ted Kanakos: It's just listed here that these are the top 13.

Virginia Weeks: It says Estimated Employment of Significant Employers.

Debbie Pfiel: There were 13 on there before, we could have gone as long as we wanted; I didn't want to stop at the number 13. But there were 13 there before and in discussion with the Town and the numbers, 5 was really low and you would probably really have to add a lot of other business that are higher than 5, so we went with the top 13 that they had and just kept the number the same and put it in there.

Virginia Weeks: Okay. Page 15 Town Center Use and Parking Survey Updated 2009, See Table 2, we're going to go back to Table 2 on Page 10.

Debbie Pfiel: Actually it says See Table 2, Town Center Use and Parking Survey.

Virginia Weeks: Yes, the table there, Single Family Homes; Multi Family Annual Totals. Why is that referred to that table?

Debbie Pfiel: If you look at the titles, See Table 2 in Town Center Use and Parking Survey; and that should be further in your document.

Virginia Weeks: Oh, word in, it's not there. It just said See Table 2. Okay, anything else on that page in red? Page 16, anything in red? Milton has experienced great commercial growth in... That is not a truthful statement any more, is it? There has been significant interest in additional Bed and Breakfast and Antiques Shops since 2003 Comprehensive

Plan; there has been additional commercial activity. Okay, I guess that is in the black. I think there's been a decrease in the Town Center.

Gene Steele: I would agree with that.

Virginia Weeks: Does somebody want to write down Page 16, decrease in Town Center.

Debbie Pfiel: You could put that there, but there is also a Town Center Chapter and I would probably recommend that be modified, too. You could put that in that wording, as well, while you are on that topic.

Virginia Weeks: Anybody else have anything? Page 17, nothing there. Okay, Page 18, something I let nothing about.

Debbie Pfiel: I could let you know where we got this information from, if that helps. Trust me; I'm not an expert in this area. We contacted DNREC and they gave us this information when we met with the State Agencies and they requested this be cut and pasted in and when I went over it with the Engineer, who would understand it a little bit more, this is their standard language to update the TMVO information; so this was given exactly from the state agency, if that helps.

Virginia Weeks: Continuation on Page 19, any questions? We're going to do it twice, so we'll probably recess and come back at some point. We'll do the red tonight and get as much of the black done and then recess and come back some night next week, maybe.

Debbie Pfiel: If there's a way, and I'm just suggesting, that we can get to the black, we would like to be able to have the minutes and have it taken to the next Council meeting. If not, there wouldn't be a consideration for a change to the scope at the next Council meeting which is very important.

Virginia Weeks: Then you would have to tell them that we didn't have time to get through it all.

Debbie Pfiel: That's probably, hypothetically, why we gave the document a long...

Virginia Weeks: I think that the schedule is way too tight and it's going to have to split. Okay, Page 21, 22 only red, 23, 24, 25, 26, 28, 27 has nothing on it. Page 28 has just a clean up in the 2nd paragraph. It says the park has improved; I think you might want to say the Park Committee has improved or the Town Park has improved the Milton...

Debbie Pfiel: How about the Town has improved the Milton Memorial Town Park.

Virginia Weeks: This is the chapter on the Town Center, anything on Page 29 in the red; Page 30. I have something that Key Ventures has also proposed a mixed use; it's not a mixed use; it's a mixed residential; but it has no commercial. On Page 30 on the 3rd paragraph, there's no commercial in the Key Ventures.

Debbie Pfiel: Doesn't it have apartments scheduled, which would be mixed use, as well?

Virginia Weeks: Mixed residential use.

Debbie Pfiel: We could put residential in there; but in your code it's a mixed use development.

Virginia Weeks: Because it has no commercial.

Debbie Pfiel: Okay, residential after the word mixed use?

Virginia Weeks: Mixed residential. Everybody in agreement with that? Anything more on Page 30? Anything more on Page 31? Anything more on Page 32? I would like some confirmation here. It says here the Town has updated all mapping tools throughout the Comprehensive Plan to note all changes since the last update in 2003.

Debbie Pfiel: Correct.

Virginia Weeks: The only changes to any map in all of those exhibits are on the growth map.

Debbie Pfiel: Your town limits have been updated, but they get updated with every zoning, so we took the most current town limit boundary you have for every change you've had for an annexation and that has been changed, but that gets changed every time you get a map change. So your time limit boundaries have been updated, which between 2003 and now have changed quite a bit.

Virginia Weeks: Okay, so Key Ventures and all that are current.

Debbie Pfiel: Correct, so you now have a current updated map for Robin to be able to use as a tool.

Virginia Weeks: On Page 33, why are we removing the open space district, other than the fact that it is not used, it's nice to have it in there; at some point we may want to have an open space to help protect the Broadkill.

Debbie Pfiel: I agree with the theory, but there is no open space district right now in your zoning code and that's what it referred to was the Zoning Code. So as your Item 2, which I hate to keep referring to that, I think you want to look at open space, recreation and park needs, as well as requirements. If you want have an open space district, other than owned by the government, who would want that zoning district? So it's changing people's value of property, but we in your old code, it was a district in your zoning code currently; it's not a district and we're referring to your current zoning code; if you look above, we're referring to the 2003 Milton Zoning Ordinance; and it only has 8 districts; so we had to update this based on the rewrite of your Code that happened in 2003.

Virginia Weeks: So this could actually be replaced by so called Municipal Ownership.

Debbie Pfiel: And you can keep it. This is called Institutional, Educational.

Virginia Weeks: Institutional would be private.

Debbie Pfiel: Yes, exactly. So on Item 2, I would put that on what you do want, it would be hard to designate people's property as open space. It's very rare, but government, institutional, educational, I agree. Yes, exactly.

Virginia Weeks: In here, the Charter requires a 50 foot setback from all tidal wetlands or is it just wetlands and I don't think you've been clear in that 50 foot, can you Robin?

Debbie Pfiel: It's in your Charter?

Virginia Weeks: I never understood why they put 50 foot; that to me is a big mistake.

Debbie Pfiel: And if that is, you could refer to it in your plan, but if it is a Charter, passed by legislation, it takes a lot more than an ordinance and a public hearing to get changed.

Virginia Weeks: It is, they put in the 50 feet, don't ask me why, but they did. So somewhere in here, that has to be reported.

Debbie Pfiel: I would put that in Item 2, as well.

Virginia Weeks: Where?

Debbie Pfiel: My recommendation for Item 2 is the laundry list of things you want to see; not necessarily where you want to see them, but things you want to see. I think that's probably the most important part of the night, tonight. To me is we need to move forward with Item 1; but Item 2 if you put your generalities out there, they need to be considered. I don't think you have to put Page such and such, that's too much work for everybody.

Ed Kost: You don't have to give us specific language.

Debbie Pfiel: No, a general comment, like this one example. If you are concerned that we don't have an open space, institutional, educational district and you want that looked into; that sentence. Where it goes in here could be a whole other deal.

Virginia Weeks: Page 34, 35. I have a question to ask. This is on black, but I just want to get it out. I noticed that on our existing land use map, the marina which is in the marine district on Front Street is shown as a commercial piece of property. Why is that? If you look at the land use, not the zoning map. There isn't even a marine district on the land use map. You have it in your packet there.

Debbie Pfiel: I know we had a conversation with Bob Kerr about this piece, because I'm trying to think if the zoning was done prior or how that went?

Virginia Weeks: I think it's Exhibit "E".

Debbie Pfiel: We did not change existing land use. When you go to the zoning map, if the Town of Milton did a rezone, I don't know if they did or not, I honestly couldn't tell you the history on that; but if they did a rezone it is reflected in this map. I don't know the time line of when the existing land use and/or if a rezone happened. You'll find a lot that won't match up.

Virginia Weeks: Well, what I'm concerned about is that the map we have here says 2009 and it doesn't reflect the land use on the zoning map; we have a marine district that is zoned marine district and it is not on this land use map.

Debbie Pfiel: On the land use map it's not depicted by zoning.

Virginia Weeks: But it's made commercial.

Debbie Pfiel: Correct, because there is not a marine category; it's not a land use.

Virginia Weeks: Well, shouldn't we add a marine category?

Debbie Pfiel: It's a zoning category. If you want to add a marine land use, that's a change to that map, but we did not do any changes to your categories.

Virginia Weeks: I think we should do that.

Debbie Pfiel: But remember that marine may be classified as recreational, as well, around the water; a lot of places do around the water they do it as recreational. You may put open space/recreational parks around there. But your zoning district will not always match up with that land use category. I can't think of any plans that do, specifically 100%.

Virginia Weeks: I happen to think that's important.

Debbie Pfiel: I would put that under Item 2.

Virginia Weeks: Anything else on Page 35? Anything on Page 36, 37, 38, 39, 40 doesn't have, 41? One of the things that I would like to be done here, it refers to Route 319 and Route 30; these days people don't use numbers.

Debbie Pfiel: Is it a change in the red or a change to Item 2?

Virginia Weeks: It's in black. But we're talking about it and I don't know where it is. Road 319 and Route 30 and I have no idea where that is.

Debbie Pfiel: It's Item 4 and I would put that down as Item 2 that you would like the plan to reflect current road names and county and state road numbers. I do think that's important because a lot of people know where 14 and 16 and 13 and 1's are, but throughout the whole plan, you want it recommended that State/County/Local Route numbers and roadway names are on there. I think you're doing well with the recommendations, so far. I wouldn't recommend that on the Table on Page 42, because there is no way I could make that fit.

Virginia Weeks: No, you could refer it back to Page 41; but for the common citizen that looks at this, they don't know where those things are. Anything on Pages 42 or 43? Anything on Page 45; just a housekeeping thing. The last thing you have is Milton Elementary; did you mean to have School in there also? And Brittingham Elementary is really H. O. Brittingham Elementary School and they may be insulted if you don't put their whole name in.

Debbie Pfiel: So, throughout the document change Brittingham Elementary to H. O. Brittingham Elementary School. Okay, we want consistency.

Virginia Weeks: Okay, Page 46, 47, 48. This is one of those that none of us understand.

Debbie Pfiel: Okay, let me give you a background on this one. This was information if you looked at what we crossed out, there was a lot of information on your wells and it was outdated, but since the Town Council adopted that master water plan in 2009, which is under 12 months, we used a lot of information from that document that's current, so this will give you 2009 data from that Master Water Plan. We pulled this right from your City Engineer.

Virginia Weeks: That goes to Page 56. Does anybody have any questions between there and Page 56 on the wells? Okay, Page 57, 58, 59, 60, 61 the town should adopt a new policy for sunsetting for sub-divisions. I think at the present, why are we suggesting that there be a new policy for sunsetting for sub-divisions?

Debbie Pfiel: In your current zoning code right now, you have sunsetting for site plans. We would like to have the town consider sunsetting for sub-divisions, as well.

Virginia Weeks: Would you explain the difference.

Debbie Pfiel: For example, if you have Dog Fish Head Brewery come in and they get approval and if you have not started construction and pulled a building permit within a year, you can come in and get two one-year extensions for good cause. In a sub-division, it should be in the same manner, because we've had some sub-divisions in some towns, that we've had to honor since the 1960's that don't have sidewalks and smaller lots and you've had to honor them. The part about sunsetting is, if you've given them a year and two one-year extensions, for a total of three years after approval and they can't get it together or for some reason, the Town Council can make a recommendation to the Planning & Zoning Commission to see how much has changed in your regulations to bring them up to today's game; to today's recommendation approval. So sunsetting is important to where you can bring them up to current regulations. The Fire Marshall and DelDOT have sunsetting laws, as well; some are a year, some are three, some are five. Most everybody's going to under three or one for sunsetting.

Virginia Weeks: Can you write a note to the red part to explain what you mean by that, because that's going to go to Council; they're not going to know what you mean.

Debbie Pfiel: So, for example, if I put the Town should adopt a new policy on sunsetting for sub-division approvals. The sunsetting is in your zoning code, the sunsetting word is in your zoning codes, so to us, we just said for sub-division approvals. Would that help to say after approved, it goes with sunsetting?

Virginia Weeks: When you're bringing the recommendations to the Town Council, would you please point out to them that we feel that it's important that there be some sort of, rather than just saying a recommendation, we should know what the recommendation is.

Debbie Pfiel: This doesn't govern policy; this gives you recommendations to work on its implementation tools. So what we're saying is, we strongly recommended that the Town should work on it; but what policy you get from that you want it to be worked out at a workshop.

Virginia Weeks: Exactly. They have a committee that is going to be reviewing the zoning ordinances; I would like to see them at the same time assign this to them so it just doesn't get lost in the Comprehensive Plan and never looked at again.

Debbie Pfiel: That's a good suggestion and you'll have implementation; like you were saying about the 18 months; really after you adopt the Comprehensive Plan, I hate to say this but that's the easy part. That is really the easy part, the adoption. It's implementation after that. It takes time and money and how to make it very particular; how to make it regulation wise; that's the hard part of a Comprehensive Plan and once this gets adopted, there should be budgets and workshops and goals set up on what should be worked on for implementation for this. You know that.

Virginia Weeks: Good, just somehow that this doesn't get lost.

Ted Kanakos: The concept of sunseting is to bring them into the latest compliance, rather than cancel their project if they don't meet their renewals?

Debbie Pfiel: I'll give you an example; I can usually talk about stormwater management. Right now DNREC is going to be looking at BPM's (Best Management Practices); they are not necessarily saying wet ponds or dry ponds anymore; they're coming up with a whole concept on Go Green and Energy and they're forcing this type of work to be done on Plans; so if a Plan is out there for 10 years and it doesn't meet any code requirements, it's a Plan that can have some detriment on the Town, the Community, the ground, the drainage, etc. I haven't been with a Town that has specifically said no, you've lost your sunseting, but what they have said is we're going to grant you an extension contingent upon you install sidewalks. It's a bartering tool, I should say. I haven't heard a Town that has said no to sunseting; but they have bartered to get what they can to bring it up to the current code.

Virginia Weeks: We're trying to avoid what happened in Lewes with the four Historic properties.

Debbie Pfiel: Yes, exactly. And it's a good bargaining tool because they could get total denial. I haven't seen it yet.

Virginia Weeks: Anything on Page 62, 64, 63, 65, 66. Does the work with Cape Henlopen School District ensure the continued present improvement of the H. O. Brittingham Elementary School and all schools? Page 68, 69, 70, 72, 71, 73.

Debbie Pfiel: If I can recap Item 1 on the changes I have written down, will that help? On Item 1 I have: Add Dog Fish Head to Page 8; I have add the word residential to Page 30, which was that mixed use; the School at Page 45 and H. O. Brittingham; and Page 61 work on the wordsmithing of sunseting for sunseting for the sub-divisions and maybe elaborate a little more. And Page 28 had change the word Park to Town. So those were the recommendations that we got out of what we have done; so that's only on what we have done, so far. So, what we would like to see is a recommendation on what we have done so far and then when you get to Item 2, those are all recommendations for consideration to add to the document, work on the document or change of scope.

Virginia Weeks: I believe that the Dog Fish Head thing you are also going to add the word "Canneries" instead of just "Granaries". Do you have that list?

Debbie Pfiel: Yes, I have it handwritten, will it work? Does somebody want to read it?

Virginia Weeks: Yes, somebody is going to need to read it, but I want some help in doing this motion. The motion should probably say something to the affect that we approve the changes in red to the document with these stipulations and read those.

Debbie Pfiel: I'm not telling you how to vote, but a recommendation I would have is I would recommend based on the scope determined by the Council and the changes done by the consultant tasked that these five items listed out be modified and I recommend, whatever you recommend.

Virginia Weeks: I'm not real comfortable with that, because there are going to be more items in the scope; which is going to be Item 2.

Debbie Pfiel: We don't know that; Robin and I put Item 2 on your agenda, because I feel that there are some other things that need to be brought out; but Item 1 was already adopted by Council and Item 2 should be the one that we take back and say, this looks good, but guess what we want, we want more.

Virginia Weeks: Yes, but my understanding of the scope, if I may is what parts you were going to look at; not what you were going to do. I mean just because you did it, doesn't mean that that's all that's going to happen within that scope.

Mary Schreider-Fox: How about for Item 1, you can say, of the scope of work already approved by Town Council...

Ed Kost: I thought we were going to include the actual minutes.

Debbie Pfiel: Correct, but I think what you're looking at as a whole group, I've written down a list of everything you've gone through and we've come up with five items that I really have to change from this group. Item 2 will have a laundry list of requests, the to do's, the wanna do's and then the map as well; so we're looking at it as a whole and then listing out these six items.

Virginia Weeks: How about if we said something like this that the changes made presented to the Planning & Zoning Commission within the scope of work are recommended to go to the Town Council with these five things. Therefore, we are only talking about what was in red, with the changes already done.

Mary Schreider-Fox: You're talking about the scope of work that's already approved, the work that's already been done, whether or not you like that and reserving all of your rights to comment in No. 2 on your agenda of things that you would like to see added to the list.

Virginia Weeks: Right.

Louise Frey: Does that include the maps also?

Mary Schreider-Fox: Yes.

Virginia Weeks: Okay, then we have to do the maps.

Mary Schreider-Fox: Okay, just a point of clarification, we are talking about the Page 8 change of adding cannery and Dog Fish Head, that's actually an in black change that you are going to want for Item 2; so we have 4 items of recommended changes to the work that has already been done pursuant to the scope of work already approved by the Town Council.

Virginia Weeks: That sounds good.

Mary Schreider-Fox: I will clarify on Page 30, adding the word residential in between the words mixed use is in red. If we're changing anything in the red, it's going on Item 1.

Ted Kanakos: So we have four items.

Al Perkins: We haven't discussed the map yet. All we're doing is approving the changes on this map, which we haven't really talked about.

Virginia Weeks: I would just like to make a clarification with Ms. Pfiel. You gave us tonight a list of Exhibit "G", Future Land Use Potential Expansion Revisions. The first three are by Dean Sherman and they are located behind Food Lion. The next one is by Michael Hughes and that's in the area of Dr. Wagner's office. The remaining 24 are all contained within that large parcel.

Debbie Pfiel: Within that large area, it's 24 parcels. Correct.

Virginia Weeks: And that at present is all agricultural?

Debbie Pfiel: I don't know what it is in the County.

Virginia Weeks: It's being used as farmland.

Debbie Pfiel: Yes, but that doesn't necessarily mean it's zoned that way. Some of it could be in preservation because if you; it could be in preservation like in this area here that we're not recommending; that wasn't recommended, it was an egg district; I don't know what's in preservation or what's not. When we did our review, we couldn't find anything in the PDR, the Preservation District.

Virginia Weeks: If we agree to grant residential to something that's already in Preservation, today's newspaper has where they want to take some land that's already in Preservation somewhere else and make it residential. If we put that in our growth area as residential, when it is agricultural preservation, does that override it?

Debbie Pfiel: It is not an agricultural; it's not a PDR. It's an agriculture use, but it's not in a PDR. I wouldn't probably recommend a growth area; it's good for a buffer. Why would you want to bring that into town, it's a great buffer.

Virginia Weeks: Would you point out on that map exactly so people know what we're talking about.

Debbie Pfiel: It's this piece right in here and these two pieces down here, which equal that blue, that purple/blue piece.

Virginia Weeks: Some are house lots, some are farm lots. But in total, there are 24 lots.

Debbie Pfiel: Some are vacant, some have structures on them. In discussion with the conference of planning committee, we had several hours of discussion, of not making this the LPD, because there was plenty of that. Then we got stopped to say that's going to be your next scope. There was no recommendation for LPD, it was specifically just residential. This would be the recommendation.

Virginia Weeks: It would be R-1.

Debbie Pfiel: Not R-1, residential. This is a land use, this is not zoning. It's hard to make the difference.

Virginia Weeks: It would be residential and it when it's annexed in, it would be annexed in as residential. At that point, the Town Council now does that and they would decide what the zoning is.

Ed Kost: When we look at the three groups of parcels, if we like one and don't like another how do we deal with that question?

Debbie Pfiel: This is up for your consideration, you can say no to all of them; say no to one; say yes to all of them. It would be nice to have your justification or your reasoning for the people requesting it; but all of these parcels can be 1, 2, 5 taken away and then it goes to Council and then they make change the list, add or subtract or take your recommendation.

Ed Kost: One parcel has 3 lots behind Food Lion, I've never seen. I have no idea how I would vote on it, without seeing it. Could this be tabled, so I could go look at it? It's the first I've heard about it tonight.

Debbie Pfiel: It's a future land use change that a property owner has requested. So if they wanted to come in town, and this wasn't recommended by the Committee, the Applicant requested it has validity to be addressed, and if you feel it shouldn't be commercial and you feel it should be residential, or if you look at the land and it is next to a commercial component; it's next to a commercial zoned piece of property in Harrington or if you feel it is going to far out, there is a lot of justification for whatever recommendation; you're not giving it a zoning at this point. They would have to come into the Council and say we want this zoning and they would have to show their Plan.

Virginia Weeks: May I ask if there is a road between those three properties and the Food Lion or is it contiguous?

Robin Davis: There is actually no road between the properties that are out of town and the contractor base behind Food Lion. It is grass right now.

Virginia Weeks: Okay, so there is no road separating from the Food Lion parcels?

Robin Davis: No, there is no physical road that you can get between the Mark Street Extended and Union Street Extended, no.

Ed Kost: Debbie, if we recommend for those three parcels that we agree that the developer should be commercial in the future; that in effect is like blessing the project in the future; we've given him something; can we take it back later, and simply say we've changed our mind, no. Zoning you're not going to get it; you're getting residential. Have a nice day.

Debbie Pfiel: You can not zone this residential and then change it to commercial without changing this plan, as Mary alluded to earlier. However, it depends on your Council. In some jurisdictions for them to get a zoning they require a site plan; in other jurisdictions they just give them a right on the zoning. So it depends on how your Council deals with annexation zoning process; if they want to see a plan attached to it or not. From a Land Use Planning Aspect and that's what we really have to look at, because this is just land use, you want to really ask yourself does this fit in this neighborhood; is it next to other uses that it complements and that's usually the two basic questions that have to do with land use. As far as if the Council would ever rezone it, or if it is even brought into town, we won't know that.

Ed Kost: No, that's not the question, the question was if we say fine, this is future commercial and we're in agreement with what this man asks of us; once we do that, can we later change it back?

Debbie Pfiel: Not without changing this map, like I stated.

Ed Kost: If we change this map...

Debbie Pfiel: However, the difficulty you have in that, is taking away property rights; as far as going from commercial to residential, the person may come in and say I've been given the right, I've been marketing my property; I've had it on the market; it's been commercial; and now all of a sudden they're coming back and saying they want it to be residential. That person would probably come in and come to the Council and come to the public hearings and come to the Planning & Zoning Commission and say that is not what they want because they have had value right, they have appraised it, they have done it based on land use.

Ed Kost: Once we've done this, we have essentially started down a long slope, that's difficult to go back.

Debbie Pfiel: You've basically said if this piece of property is ever developed, we would like to see it developed by commercial, no matter who it is.

Ted Kanakos: The property right now is actually a buffer zone between Food Lion and whatever residents are on the other side of that green space that he's asking to change, so we would be taking away a buffer zone. In other words, when Food Lion came in for annexation and said blah, blah, blah we would like to have this, people said well that's all right there's a buffer zone between you and the next town. That buffer zone is now being taken away.

Debbie Pfiel: Well, the buffer zone is not a zoning district.

Ted Kanakos: As it exists, when you look out the window and you see green and then you see Food Lion...

Virginia Weeks: Ted, it is not a buffer zone because it is residential and it is owned by somebody other than Food Lion. What you're doing is saying that people can build homes there.

Ted Kanakos: That's part of what I consider a buffer zone for houses, if somebody chooses to build a house; that would be fine; they know that Food Lion is already there. Right now if I have a house and I look out and I see a green space and I know only houses can be built there, that to me having houses between me and Food Lion is a buffer zone. Having between my property and another factory and then Food Lion, it changes the whole concept. The residents that are there now some have bought, some have sold, and some have marketed their properties based on the fact that only more houses will be next to us. If we change that, those people's home values will go down.

Mary Schreider-Fox: The question of property rights and what is reasonable when somebody purchases their property, that is the fun stuff we get to litigate sometimes and we can write briefs on that, but I'll try to give you a nutshell, but whenever we're talking about somebody's expectations when they buy a piece of property and what they see around them, we have to analyze whether or not those expectations are reasonable under the system of government, under the laws and ordinances, and the possibilities that are in place. One of the possibilities whenever you buy a piece of residential property that is separated by an open space from commercial property, you are in a perfect area that that piece of property that is still open in between you could go either way; because zoning often times when you attach it to a piece of property; we can't engage in spot zoning where we either allow or disallow one commercial piece of property right smack dab in the middle of a whole bunch of residential properties. There's a whole body of law on this. I don't want to get too in depth about it. The situation you're talking about if we have this open space of land, the way I think the law would look at it and what I would argue is for a property owner in the residential community that says I bought that piece of property; I knew that it was zoned residential at the time I bought it; it borders on another piece of commercial property; I never envisioned it would eventually that it would be rezoned as another commercial property and I'm ticked off. The law allows that owner to come, when somebody makes a zoning application, I want to make this commercial, instead of residential. It seems appropriate from one way of thinking, because it is right next to another commercial piece of property, it's a natural extension to something that is already there. The owner who bought the piece of property when it was still open and

thought I will have this nice buffer, should show up at the public meetings, that's why we have them, to say no, that's one way of thinking, but a more reasonable way of thinking is to keep that area residential so my quality of life will not be affected. Then the governing body, whoever or whatever it is, has to take all of that information and say yes or no and that's when we create our record and give our justification for whatever decision is made. The idea that the property will ever remain open is a problem; somebody owns it like Ginny was saying and right now it is currently zoned residential. In theory, if someone built up a bunch of houses on that open piece of land, we're still going to have commercial butted up against residential, at some point; but we could never force somebody to keep it open, without paying them for it. That would be taking it under the Constitution.

Gene Steele: The question I have is on behalf of the Town, the individual that owns that piece of land voted on that shopping center to be built.

Debbie Pfiel: Even if he did vote for the shopping center, if this individual comes in for annexation with the zoning, it has to go to public hearing and everybody within 200 feet of that property has to be notified and invited to the meeting. It wouldn't matter how he voted or if he didn't; there could be a potential conflict of interest if somebody votes that he ran into and if that wasn't called out at the time or that wasn't recommended by the lawyer that the person owning property next to it maybe shouldn't have voted on the project. I see your point. It's not relevant to the plan. It's a conflict of interest and I agree; but a conflict of interest depends on the person that is going to vote.

Virginia Weeks: I am more concerned here that if we do this, the neighbor's who have residential property on the other side of the street, are not notified that this change is being made and they have no opportunity to address it. There is no letter going out to them like there would be in a zoning.

Ted Kanakos: Have they been notified at all.

Debbie Pfiel: Here's the thing. They have not been notified because we are not annexing the property and we are not rezoning it and those two steps require legal notification; but my theory on this is, if you do not like those three pieces of property, then you have issues with those going to commercial, then recommend that they not or recommend that they do, with notifications. You can recommend that you want to be notified. It's up to Council to consider.

Ted Kanakos: What I understand is that if we do approve it, then he has that momentum, regardless of what's happening later on.

Debbie Pfiel: You're not approving, you're recommending. It's up to Council to have that discussion.

Virginia Weeks: If we recommend that it come in as commercial and they follow our recommendation, he has the right to have that annexed in as commercial.

Debbie Pfiel: Not the right, he can request, but if he requests annexation he has to have a land use appropriate with the land use category that's been adopted. I guess to try to make this easier, if you're concerned about those three properties and you don't think it's the appropriate land use is one question; is it the appropriate land use for the surrounding area; if you're concerned that the neighbors do not know, then you can do we think that the land use is appropriate, however, we want the neighbors to be notified and invited to the public hearing at the Town. That can be a recommendation.

Dick Grieg: This property is in the County.

Debbie Pfiel: Correct.

Dick Grieg: What will keep Dean Sherman from taking his request for whatever he wants to do with that property to changing the zoning to the County?

Debbie Pfiel: He has the option to do that now. He has the option to go into the County and they would have to do the same thing in their Plan and I'm not sure what their land use is; but one of the reasons people near a town limit boundary come in is usually water and sewer; usually because water and sewer are right there. If he goes within the County, then I don't know what their water and sewer system would be able to serve in that area.

Virginia Weeks: This is a less expensive way of getting it done.

Debbie Pfiel: We don't know what he's developing yet. We haven't seen a plan.

Virginia Weeks: If he goes to the County he's got to pay permits and he's got to pay fees and all that stuff.

Ted Kanakos: Does anyone have the size of this property that he's requesting? Is it one acre, two acres, half an acre? Is it large enough for a factory? Does anybody know?

Virginia Weeks: Do we have a sense of what we want to do? Could I ask...

Ted Kanakos: I would like to know how large a property? If we're talking 17 football fields?

Virginia Weeks: We're talking about a family's large piece of property, because it's the width of the Food Lion thing almost.

Robin Davis: This is the letter from Mr. Sherman. "I am the current of approximately 1.2 acres consisting of parcels 2,35,14.11-47 47.01 and 47.02 located just North of Food Lion Shopping Center immediately North of the Town's Corporate limits. As these parcels are adjacent to an existing commercial property, I would ask that you re-designate them from a residential use to a commercial use on the Town's Amended Growth Area Map. Due to their location and configuration it is likely that these parcels have potential to complement the already existing commercial property. Thank you for your consideration." So actually the three parcels are 1.2 acres.

Virginia Weeks: Thank you, Robin.

Robin Davis: I do have a letter from Michael Hughes and I'm asking if you need that.

Gene Steele: Michael Hughes he's on commercial and he wants to go residential.

Virginia Weeks: Ladies and gentlemen, may I have a motion on the three Dean Sherman properties to either recommend it or not recommend it for commercial use.

Debbie Pfiel: Do you want to do an Exhibit "G" Spreadsheet and Modifications to it as a vote?

Virginia Weeks: No, I want to do each property owner as a separate thing.

Ted Kanakos: If we say no, or don't recommend that this be included in the Future Growth Area as commercial property, if he is annexed in can he still request it at that time.

Debbie Pfiel: He is in your grown area now, as residential.

Ted Kanakos: But can he just ask to be annexed in; does he have to make a declaration of what he wants when he's annexed in?

Debbie Pfiel: If he gets annexed in, he has to ask for the zoning classification and the only zoning classification he could be is residential, if you say no. However, the Council has the right to overthrow that. It's the property owner's request.

Virginia Weeks: For example, the Sam Lucas property came in as R-1, because it was zoned residential. They then applied to the Town Council and the Planning Board to

have it rezoned to R-3 with an LPD; and that's how that worked. Then everybody was notified, everybody knew what was happening, everybody... Did you want to say something?

Mary Schreider-Fox: No, we have sidebars sometimes. Actually that can help you identify or shows the difference between the land use map and your zoning, because if it is the land use as residential, R-1, 2, 3 or 4 could fall into that category. So right now, in theory, this gentleman is currently in the growth area with a land use of residential. If he decides he wants to come into town, he looks at it and he says I'm going to ask to be annexed in; I have to make a choice about zoning; my options are whatever is in the residential category. I can ask for R-1, 2, 3; whatever he thinks he's going to get or whatever makes sense according to his plans. If right now, at this present time he who is in the growth area, says I would like to come into town and I want to be annexed in with a commercial use, the town has no choice but to say the part of your request about commercial use, we have to deny, because you don't match up with our land use plan that says you have to choose a residential option and not something else. Because of this request that came in from this property owner, I think it makes sense that you re-designate me in your commercial future grown area, so that if I come in some day I'm going to choose a commercial option, as opposed to a residential option. That's the thing that is under consideration right now.

Ted Kanakos: If we don't do anything and he's annexed, and R-1, 2, 3, or 4 and he can make a request to go commercial and the Council could change it or does he have to change the map?

Mary Schreider-Fox: As a matter of law, if he came in and he's residential, and he's in town, and it matches up with our Comprehensive Plan because it says residential. If he says okay I'm going to applying for a rezoning for commercial, he can certainly do that; as a matter of law he should not get his approval; because that rezoning to commercial would not correspond with our land use plan, with this Comprehensive Plan that says this area is designated for residential. Delaware laws says that all zonings must match up with your Comprehensive Plan. I've run into this with other towns before where we actually had a rezoning that did not correspond with the Comprehensive Plan. It was approved, etc., etc. and we had a commercial property in a Comprehensive Plan residential zone; that was subject to challenge and in that case, after the fact, people all teamed together and got the Comprehensive Plan changed and that's one of those interim Comprehensive Plan changes that can sometimes happen.

Ed Kost: That can be done then, he annexed in his residential; he requested a Comprehensive Plan change and then requested a zoning change. All I really care about is that the neighbors are notified and they have a say in what's going to happen in the future.

Debbie Pfiel: Correct and what we're saying is that number one is this a good land use for this area and if you feel that that is conducive; do you want the Council to ask people to be notified before this goes to public hearing? I think Mrs. Weeks is on the right track to get a motion.

Virginia Weeks: Can we get a motion? As I see it, your choices are one recommend that it come in as residential; two recommend that it come in as commercial; three recommend that it come in as commercial, but only after those people that are the

Debbie Pfiel: With utilities, the recommendation is to do that with an Annexation Agreement; but utilities have to be completed at the expense of the person developing the property. So, for example, usually what happens is impact fees pay for infrastructure for future growth; you've already paved your way for the next one, the next one pays for the

next one and so on. But all the utilities being run; but number one they would have to be contiguous, like Ginny says; and number two, any utility expansions or annexation agreement how it would include services or any funds available or parks and rec donations, etc. should be worked out in annexation agreement.

Virginia Weeks: Can I have a motion on the last 24 pieces.

Ted Kanakos: I make a motion that on the Comprehensive Plan Exhibit "G" Future Land Use for Potential Expansion Revisions that the 24 properties in question be approved as residential.

Al Perkins: Second.

Virginia Weeks: Voice vote.

Ted Kanakos	Yes
Al Perkins	Yes
Ed Kost	Yes
Virginia Weeks	Yes
Louise Frey	Yes
Gene Steele	Yes
Dick Grieg	Yes

Virginia Weeks Motion passed unanimously

Virginia Weeks: Now we come to the problem of Michael Hughes. Michael Hughes owns a house in a commercial area. You all know where Dr. Wagner's office is. Dr. Wagner's office is here. At the time, Dr. Wagner owned all the property around his office and when it came in it was all brought in as commercial. Robin, all that housing around there does any of that belong to Dr. Wagner or is that all privately owned?

Robin Davis: Yes, Dr. Wagner sold all that. I cannot tell you if Dr. Wagner still owns the doctor's office. I'm thinking that he sold that too. But I think none of that area now the doctor's office, Admiral's Quarters or the three parcels belong to Dr. Wagner now.

Virginia Weeks: But they don't all belong to the same owner either.

Robin Davis: These three individual lots, Mr. Hughes' is the center lot and one is on Mulberry Street and one on the other side and one next to Admiral's Quarters.

Virginia Weeks: Please note that Mr. Grieg has left the room. Are the other parcels large enough for commercial use?

Robin Davis: They are currently houses now. There are currently three houses there; but they are currently zoned commercial.

Virginia Weeks: Is the land size of any of them large enough for a commercial use?

Debbie Pfiel: It would depend on the use and the amount of parking they would have to do; probably maybe a smaller business; but what this request has come specifically from the applicant, I would like Robin to read the letter into the record for you, as to why he has requested it. I think that might help clarify a couple of things.

Robin Davis: This is the letter that came from Mr. Hughes. "I am aware of the zoning changes taking place in Milton. I would like to have my property rezoned from commercial to residential. My address is 104 Mainsail Drive, Tax Parcel No. 2-35-14.00-89.08. I have lived here since February, 2003 when I bought the home to be solely used as a single-family residence as specified in the Deed. I would like to have my property rezoned from commercial to residential R-1. The purpose of this request is so

that I may be able to refinance to a normal 30-year fixed residential home mortgage, which is not possible for my home being commercially zoned.”

Virginia Weeks: Would you reread the part which I didn’t capture the part about the Deed.

Robin Davis: He actually says in here that when I bought the home to be solely used as a single-family residence as specified in the Deed.

Virginia Weeks: This is the problem I have with these parcels. I would like to see all of the houses back there taken out of commercial and made residential.

Debbie Pfiel: Remember that’s a good item for Item 2. Right now, we’re just talking about the Hughes’ piece. So in you’re Item 2, I can probably summarize, you would like Exhibit “G” thoroughly looked at for Future Land Use. I wrote that down. But for this specific piece of property, this one piece of property, that’s what you have as a request on the books tonight.

Virginia Weeks: I wonder if the others have the same Deed restriction.

Debbie Pfiel: The problem we ran into is that it has to do more with in verbal conversation, it has to do more with banking or are we obligated to write a letter to the bank to say single family homes are allowed; you should be able to lend on that. The bank had some issues with that, so he really feels that it is in his best interests to have his home rezoned.

Virginia Weeks: Right, because the property are now deciding to become Dairy Queens that are commercial and a convenience store and it lowers the value of his property.

Debbie Pfiel: And if you put as your Item 2, as your Exhibit “G” you would like workshops on this map and to look at the town as a whole, the industrial, the residential, the LPD I think that would summarize these two other pieces you’re talking about, as well.

Virginia Weeks: Do we have a motion on Mr. Hughes’ property?

Ted Kanakos: The question I have is if we go from commercial to residential, he’s lowering the value for whoever would buy his property, as residential.

Debbie Pfiel: We discussed that. As far as an appraisal value and actually Mr. Hughes and he wrote a formal letter indicating that he would like it to residential for his mortgage needs.

Ted Kanakos: I think he’s shooting himself in the foot.

Debbie Pfiel: They requested it. We’ve discussed it with the applicant, several times.

Gene Steele: Evidently, he needs financing.

Ted Kanakos: I’ve bought and sold a number of homes.

Virginia Weeks: There’s a Deed Restriction that it can only be used for a single-family home. It is zoned commercial, but he’s got a Deed Restriction, which prohibits commercial use there. Because residential is an allowable use. Can I have a motion, please?

Gene Steele: I make a motion that Exhibit “G” Future Land Use Potential Expansion Map No. 2-35 Parcel 14.00-89.08 be changed from commercial to residential use per the owner’s request.

Al Perkins: Second.

Virginia Weeks: Voice vote.

Ted Kanakos

Abstain

Al Perkins

Yes

Ed Kost	Yes
Virginia Weeks	Yes
Louise Frey	Yes
Gene Steele	Yes
Dick Grieg	Yes

Virginia Weeks	Motion passes
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Debbie Pfiel: If I can summarize your changes to the maps. Ted, I think you had a list going of the 4 items that we were going to do in the red, the other changes you would have on Exhibit "G" would be to deny the request for the 3 parcels for the Dean Sherman piece; and the rest of them would be okay. We've had 3 motions on that, the mapping would be stand alone. Mapping is done.

Virginia Weeks: I would like a motion that states that reviewing the work already done within the scope of work assigned by the Town Council; we approve it with these 4 stipulations. This is limited only to the work already done, as of October 20, 2009. Can I make that motion as Chairman?

Ted Kanakos: I will make a motion as stated by Chairwoman Weeks.

Debbie Pfiel: Per the following four stipulations: Page 28: insert the word "Town"; Page 30: insert the word "residential"; Page 45: "School"; Page 61: we need to wordsmith the sub-divisions sunseting approval.

Al Perkins: Second.

Virginia Weeks: Voice vote.

Ted Kanakos	Yes
Al Perkins	Yes
Ed Kost	Yes
Virginia Weeks	Yes
Louise Frey	Yes
Gene Steele	Yes

Virginia Weeks	Motion passed. There will be a five minute break.
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2. Debbie Pfiel: If I can interject that thought behind Item 2 on your agenda, why we placed it on there, was because the scope was so limited and the schedules attached and it is money and time with the proposal that we were asked to do; we thought that Item 2 with general concerns, like I said I don't think you necessarily had to put page numbers if you don't want; but general concerns of what else you feel this document needs to be updated, changed, deleted, removed, any other things or concerns that you have with the document; not necessarily what we have done, but if you're not happy with the schedule, then I would recommend not redoing the schedule, but saying we want a public hearing, a planning commission, we want two public hearings. I would probably do recommendations like that, so they can be bulleted to the Council to say we want these considered. Then that would be presented at the next meeting by the Town Manager and discussed and like Ginny said if you are in attendance, that would be great, because he can relate to the Council; they can determine where their funding would come from, if

they want to entertain it or not; but this Item 2 is very important to the consultants, the lawyer, the staff for you to have input on the document.

Ed Kost: Are we going to have going to have to make a formal motion and read each bullet; are we going to go through this?

Debbie Pfiel: My recommendation would be to have the list with general bullets and make a motion, because it's not just Mrs. Weeks saying she wants to change things, or Mrs. Frye or Mr. Perkins. It's not just 1, 2 or 3 of you; it's the group as a whole feels these things.

Virginia Weeks: We are going to take a consensus vote on every change recommended.

Debbie Pfiel: Each item?

Virginia Weeks: I think that's the only fair way. Page by page quick. First, do we want to do the maps, since that's where we are?

Louise Frey: Yes.

Mary Schreider-Fox: Yes, good idea. You're right there.

Virginia Weeks: Our mind is there. Right now Exhibit "G". I have some problems with it myself.

Debbie Pfiel: Can I make a recommendation here, just for your time constraints and what you have tonight and it's not to rush you? If you could maybe say on Exhibit "G", rather than each individual person come up and say I have a problem with this, I'm not picking on you; could you generalize it to say, you want time to be able to work on Exhibit "G" as a whole for the Future Land Use. There are a lot of changes that should be recommended on here. Rather than go item by item, piece by piece, this will take a long time if you go every single parcel.

Virginia Weeks: I sort of agree with you, Debbie; you say there are a lot of changes that should be addressed. We may not know those; we haven't had any direction or anything that anybody has said that we think this is strange; this is odd; we can only give you what we ourselves feel. I will tell you right now what my two concerns are. My two concerns are: this is Route 16; this is where Elizabethtown is going to go. It made it very easy for the County to approve Elizabethtown because when they looked at our Growth Map, they said oh, they're giving them Large Parcel Development. They guys when they annex in have already been quasi approved for an LPD and I think it's wrong and it should be brought back to just plain residential. Not unless you want that intense of a development all on the north side of 16 and the south side. The other thing that worries me is this is Wagamon's; this is the railroad track which is now discontinued on Federal and Chestnut Streets and it is never coming into town again; but this is all industrial behind half million dollar houses and that should go back to residential; those are my two points.

Ed Kost: Does the railroad extend down and stop at some point; or is it totally discontinued everywhere?

Virginia Weeks: Robin, could you explain that because I believe behind Wagamon's its Rails to Trails.

Robin Davis: Yes, on the northwest side of Lavinia Street the railroad tracks are still there.

Ed Kost: Still operational?

Robin Davis: I cannot tell you if they are operational.

Ed Kost: They can be operational.

Robin Davis: There are actually trails behind Wagamon's; but that is all designated as part of the Rails to Trails Project.

Ed Kost: What I'm saying though is the part further to the left.

Robin Davis: It is Rails to Trails, yes it is.

Al Perkins: This basically means a path with a little park like setting.

Robin Davis: What it is is they are changing from rails to make them trails.

Ed Kost: What I'm talking about is the rail section from Gravel Hill Road whatever that next street is; is that still an operational section?

Robin Davis: As far as I know, train cars can come cross over Route 30 coming towards town and use that track all the way towards Lavinia Street and stop.

Virginia Weeks: The reason I said Rails and Trails, I remember when C Hudson was talking about this when they were doing Rails to Trails and she pointed out that was Rails and Trails and I have no idea if that was so. However, I would like to point out Robin, if you would show us where the railroad thing is; there is going to be on Route 30, would you put your finger on that, the County Council has approved 30 acres of heavy industrial land there. They can put a Mountaire Poultry Farm right there. They can put toxic waste there; they can do all kinds of things. The people who own it, the Baker's, are planning on taking the railroad and putting a spur to that industrial property. I think that's plenty of industrial land around Milton.

Debbie Pfiel: If I can make the recommendation, as I tried to allude to about 15 minute ago, it appears the majority of the Planning Commission would like time to work on Exhibit "G" map and be able to look at it and make some modifications. Am I correct in that? Then I would recommend you use that wording, because even though you bring up some of your good points, if you spend some time on this and look at all the projects you have going on in Milton and all the projects around the County it could dictate a workshop for you to spend time just on the Future Land Use. I think the bullet point might be you have changes you would like to spend time on Exhibit "G" map.

Virginia Weeks: In that case, spending time on Exhibit "G" map without public input, should it be with a public hearing, just on the maps?

Debbie Pfiel: It's not part of the process, what you're really doing is giving recommendations and you have to have public input on this. Your recommendation would be that you want to work on Exhibit "G"; another recommendation is be that you want public comment on your level.

Virginia Weeks: Rather than just Exhibit "G", I think we should recommend that we want time to work on all of the Exhibits; because we haven't reviewed them really.

Debbie Pfiel: Well they've been in your packets and some as Ms. Pfiel alluded to, are state strategies, and you can't change that exhibit.

Virginia Weeks: But there are others for example, where the marina is shown as commercial, I want to get that straightened out, also.

Debbie Pfiel: Let's start with Exhibit "A", that is the Regional Framework; that is a standard map; "B" is your aerial; "C" roads and boundaries; "D" natural environmental lands; "D2" agricultural lands; "E" existing land use (this map could be changed to include Dr. Wagner's piece and some other pieces, including the marina); "F" is your existing zoning map, cannot be changed at this process.

Virginia Weeks: If we recommend changes to "E", don't they have to be made in "F"?

Debbie Pfiel: That's an implementation item after adoption, when you can still do comprehensive rezoning; like you did the Town Center.

Ed Kost: Debbie, how can we recommend changes to something that is an existing land use map?

Debbie Pfiel: Because the existing land use map, just for example, look at the Wagner's piece. The three pieces of property by Dr. Wagner's and what colors are those, red, and all three. We know that there are two single family homes; you know that one deed restricted for single family; so that piece right there you may look and say the current land use is not commercial anymore. Another one is the Dr. Howard piece; that land use is not the same. So you do want to update this with what you've done, I believe.

Ed Kost: I understand.

Debbie Pfiel: Exhibit "E" which is existing land use and we need to work on that; "F" which is Existing Zoning, which we're not going to work on. Exhibit "G" is the exhibit we're talking about now and that goes as a recommendation for changes.

Virginia Weeks: The reason we're going to work on "E" and not "F" is because whatever we implement in "E", once it is adopted, must be corrected on "F".

Debbie Pfiel: It's an implementation, it's not part of this process, and it's that implementation list that you have to do. It is a comprehensive rezoning; like they did with the Town Center.

Virginia Weeks: Once the Comprehensive Plan is adopted "F" needs to be brought into conformance.

Debbie Pfiel: Exhibit "H" State Strategies, they are working on updating this. They will not be done probably by 2010, so we will not be working on "H", that's driven by the state. "I" speaks for itself that is your Town Center District.

Ted Kanakos: Is that where we can put in a green district, if we wanted?

Debbie Pfiel: No, this is specifically the Town Center. It was an exhibit in the document, because they were going to go to a Town Center. All we did was make sure everybody knows what is in the Town Center District as Robin has noted in his one map.

Virginia Weeks: That might need some work because I think we might want to incorporate the marina and so on, into the Town Center.

Debbie Pfiel: So an expansion of the Town Center potentially. Okay, so Exhibit "I" potential expansion of the Town Center.

Virginia Weeks: Up Front Street.

Debbie Pfiel: I would just put Potential Expansion; that way if you come up with something else, you're not stuck to Front Street.

Ted Kanakos: Can anyone who abuts Town Center ask to be put into Town Center?

Virginia Weeks: That's a change in zoning.

Ted Kanakos: A few years ago along my street, Broad Street, they were trying to make it completely Town Center.

Debbie Pfiel: You would have to be notified if the Town wanted to change your zoning or if you wanted to apply, you would have to be notified or requested. It would be a rezone.

Virginia Weeks: If you wanted your house put into the Town Center because it abuts Kings etc. and so on, now would be an appropriate time to ask it, but then you would have to recuse yourself when we voted on it.

Debbie Pfiel: Right. You could do that at any time. We just happen to have four total parcels we've been hanging on to for the past year, year and a half. Exhibit "J", there is a document that we received yesterday which is the survey of the Historic District Expansion. I do want to let you know, I'm just going to interject right now to show you something that we worked with the Town Manager on; while you are right on this map because you might be able to change this based on what you are aware of the Committee, Ginny.

Virginia Weeks: The suggested changes have been approved by the State Historic Preservation Office.

Debbie Pfiel: That was not given to us yesterday, so we only went by the information, because this is a last minute. I'll go into this one. The Town received a draft document from the Milton Historical Society yesterday. We got in a multi-year project when the University of Delaware Center for Architecture and Design Chad to survey the identified Expansion of the Historic District. This document is currently being reviewed by the State Historic Preservation Office. Ginny said they got approval; we have not gotten notification from a city official yet, so we have to go with what we have on the record, but that's good to know. The process for this document, however, may include review by the Planning & Zoning Commission and Historic Preservation Commission, this is a draft document; prior to the Town Council consideration, but it's unknown what the Town Council is going to do with this document. It's anticipated that this will be a stand alone document, like the others in the Town, the Master Water Plan, the Budget, the Charter, etc. However, the process for the adoption of that document will be related to a rezoning procedure; it's not part of the Comprehensive Plan process relating to a rezoning procedure by law. You have to do individual notification to those people; you have to hold a public hearing; so it is truly a rezone process for the scope of that project. So what we're recommending, because I think this document is good and needs to be acknowledged, is two parts of your document, Page 22 where we talk about the Milton Historical District, that we add the paragraph that since 2007 blah, blah, blah, blah, I'm going to put the draft document has been forwarded to State Preservation for review and comment. We can change that if we get the official letter. It is anticipated the review and potential adoption process will be completed in 2010 by the Town Council. This document will assist the Town in preserving the historical character and structures. So we are referring to the document because it was made aware of our intention and how close we are to completing it; but that information does not get inserted individually into a Comprehensive Plan. It's a stand alone document, like the Master Water Plan. So, what is going to probably happen with the timing on that document is we probably will not be changing Exhibit "J" because the Council has not even seen the document. It was just brought into Robin and the Town Manager and the Planning & Zoning Commission yesterday. So the Council has not seen it; they have to notify everybody in the sanctioned area; they have to have the public hearing; it's up to the Council if it wants to come to the Planning Commission or the Historic Commission; it might go to both. So the timing on that, we feel is going to be until 2010; so without knowing that information, if the Comprehensive Plan gets adopted earlier, then we would ask for a map change, just to this map for the Comprehensive Plan. So right after adoption, we would be looking for a change to the Historic District, which is very minor; it could be an implementation item.

Virginia Weeks: How do we get it so that the Council pays attention to this document?

Debbie Pfiel: If you look at Page 64, my last recommendation, because I agree with you; continue to work on the Expansion of the Historic District and finalizing the Culture Resource Survey and Evaluation Report. That's an implementation item that we would put in there.

Virginia Weeks: I am happy to loan anybody who wants to look at it, a copy of the disc.

Debbie Pfiel: Robin has it right there.

Virginia Weeks: They have done a magnificent job.

Debbie Pfiel: However, it has not been given to the Planning Commission by the Council yet. So, it's a document that is in the hands of an Ad Hoc Committee right now; once the Council receives it they will determine what board is going to see it and when it is going to see it.

Virginia Weeks: Can we consider that Melinda has sent this; can this now be considered given to the Council since it was sent to Robin?

Debbie Pfiel: Robin will have to make a copy and he has to respond, because it specifically said in that letter they want us to consider it for the Comprehensive Plan. It does not say it is completed. So, we didn't have State approval yet. They haven't presented it to Council; it only went to Planning Commission for consideration of the Comprehensive Plan. We put the wording in here to make sure you have an implementation tool to have it completed. I just wanted to let you know this was the only change that we had, because we do want to acknowledge it; it's a great document; there's lots of pictures in there; but if Council hasn't even seen it yet, they need to determine who needs to see it next and how to get approval. Those will be individual notifications.

Virginia Weeks: I think the Committee and the University did a fine job.

Debbie Pfiel: They did. Like I said, if you get tasked with that, then you will go through the document; but I think this covers acknowledging it; letting them know a timeline; 2010 would put the year in there, hopefully; and we put it in as an implementation tool. So based on that interjection, sorry Ed, I wouldn't recommend that we change Exhibit "J" now because the timing could be after the fact, so Exhibit "J" would not be recommended.

Virginia Weeks: Can I ask that a copy of this be sent to Melinda Huff so that the Committee knows where the process is and what they need to do.

Debbie Pfiel: Robin was requested to, after tonight's meeting, from the Town Manager to come up with a letter tomorrow to respond to her drop off. As far as your acknowledgement, we did put it in the Plan. It was perfect last minute timing.

Virginia Weeks: Thank you.

Ted Kanakos: So we're not doing anything with "J".

Debbie Pfiel: Not at this time, but I think you will be seeing that in the future.

Virginia Weeks: "E", "G" and "I". Could I have a motion please asking the Council to recognize our need to hold a public workshop and be able to revise and modify this Plan in detail. Would somebody care to make that motion?

Louise Frey: I would like to make a motion to ask the Council to recognize our need...

Mary Schreider-Fox: Your motion can be that you are recommending to the Town Council and asking them to allow you to hold public workshops on the maps "E", "G" and "I" for further consideration and further work.

Louise Frey: As stated by our Counsel.

Ted Kanakos: Second.

Virginia Weeks: Voice vote.

Ted Kanakos	Yes
Al Perkins	Yes
Ed Kost	Yes
Virginia Weeks	Yes
Louise Frey	Yes
Gene Steele	Yes

Virginia Weeks

Motion carried.

Virginia Weeks: I have a bunch of changes. I would like to do it the way we did it, flip through the pages and the changes would be quick. However, each change will be by consensus and Mr. Kost will be keeping a list that will be written list, submitted with the motion. Page 5 Needs and Desires of the Community, how do we know this?

Debbie Pfiel: Why is it in there now? Because at the time they held public workshops; they held public gestation and this is still the vision of Milton as a whole. So when you're done with your document, your public workshops, if that's allowed to be expanded from the scope, it is a vision document.

Virginia Weeks: Anybody else?

Ted Kanakos: We're on Page 5?

Virginia Weeks: Yes.

Ted Kanakos: The last paragraph, the Plan identifies the most important goals for Milton as being the preservation of its tradition as a balanced community for diverse people and uses. Diverse people and uses; are we recommending or endorsing lifestyles or should it just be for the residents of Milton? As a balanced community for all residents and uses.

Debbie Pfiel: Write it exactly how you want to change it; this is a different consultant.

Virginia Weeks: If you want to change it to residents, that's fine.

Ted Kanakos: I would say residents, all residents and uses.

Ed Kost: Where are you?

Ted Kanakos: Last paragraph, second sentence.

Debbie Pfiel: Page 5, paragraph 4, second sentence, second line. Diverse people, becomes all residents.

Virginia Weeks: Are you going to mark your copy up so you have all this?

Ed Kost: Yes.

Virginia Weeks: Robin, would you get a clean copy to Mr. Kost also.

Ed Kost: I'm going to do this tomorrow morning.

Virginia Weeks: Page 7, in the paragraph that begins "by early 20th century Milton's Town Center was well developed and general merchandise; downtown area with \$400,000 of 1909 dollars". I mean \$400,000 today is nothing. It was devastating.

Debbie Pfiel: That is written for 1909, the \$400,000. It's just a fact.

Virginia Weeks: Okay. It's nothing today. Should we bring up on the last sentence, the Town participated in Main Street Program from 95-97 and is in the process of trying to renew that effort.

Debbie Pfiel: 97 through today's date? Currently?

Virginia Weeks: Currently there's Joanie Martin-Brown on the Development Committee has a Main Street thing going.

Debbie Pfiel: I'm just saying instead of 1997, put 1995 and currently being worked on.

Virginia Weeks: I guess it died in 1997 and is being resuscitated.

Debbie Pfiel: To date. I'm trying to make it a little simpler.

Virginia Weeks: Can I just for a moment, that's not really true; because we were part of the Main Street Program and we are no longer. We are trying to get back into it. We are revitalizing that effort.

Debbie Pfiel: So what we could put is the Town participated in the Main Street Program from 1995 through 1997; and is in the process of reviving that effort. Just make sure that Ed gets time, Ginny, before we go to the next one to get it.

Virginia Weeks: Okay. We're not going to go, until he says we can go. Page 8 is where Dog Fish Head and Canneries go, etc. Page 8, 3rd paragraph, 3rd line, and granaries and cannery and can either say a brewery or Dog Fish Head; you have to add it's a trucking company; a lumber company; sign company and brewery; and WBOC.

Debbie Pfiel: Do you want to put that as vague as to say the other businesses located and we would have to put them in there. You don't have to necessarily come up with all the answers here; but what you're saying is you want all the businesses mentioned in the canneries and the granaries. I would leave it up to a task for somebody to find all the businesses.

Virginia Weeks: It's viewed as one property today, unfortunately.

Debbie Pfiel: I agree, but my thought Ed would be successors to the original granaries and canneries and you would like somebody to list all types of businesses that exist there. You're asking the staff to find them. You don't have to come up with the formal, written part. It's just a to do list to give to the staff.

Virginia Weeks: Page 10, 11, on the 1st paragraph, the 3rd line it says "increasing property values in the coastal area". Do we think property values are still increasing?

Ted Kanakos: I think they are. Because we've hit an all time low, so they're only going up.

Debbie Pfiel: I would have to say serving some of the coastal communities that there are still some property values going up, vs. other areas in Sussex and other areas in Kent; if you're comparing them to those areas. Not necessarily as it was when this was done in 2003.

Virginia Weeks: Most people are selling their properties for way less than they could have.

Debbie Pfiel: It's still probably more than western Sussex maybe.

Virginia Weeks: The next one modified the Milton population is expected to increase while population grids contiguous to the Town of Milton projecting an increase of approximately 1% annually during the same time period. These projections expect the addition of 47 persons to the Town of Milton's population between 2000 and 2025 and the addition of 321 persons to the population of Milton's surrounding area over the same period. It seems to me that those are rather low estimates, 47 in Town between 2000 and 2025.

Debbie Pfiel: I don't understand this projection, because he didn't even have a 2025 census projection number; we don't even do it every 5 years.

Virginia Weeks: Then remove it or something.

Debbie Pfiel: I would say Page 11, the last sentence, needs to be reevaluated, because we should probably put the 10 year mark in there, but we don't have 5 year projections.

Virginia Weeks: Yes, the 10 year mark, I mean we've got all of the new housing coming in and outside, you've got Dodd and Elizabethtown, if that ever goes off, it certainly more than 321 people in 15 years. I just want to try and give a more accurate picture.

Debbie Pfiel: I think that's perfect; we need to adjust that last sentence to bring it up to date. I think that's a good comment.

Virginia Weeks: Page 12, tax base should reflect, if available in December, the new assessments.

Debbie Pfiel: If they are not completed; if we're on the schedule by the time this...

Virginia Weeks: If the January tax bills reflect the new assessment, then the new value of the Town should be here.

Debbie Pfiel: Not January, because if the document gets released in December, that's our final draft. If they don't have them done by early December when we release this, for the public hearing portion of it, then we can always change this; but what you're asking for is one of two things; one, if the 2009 assessment is available at the time is released to the public we need that number in it; if not, we need to refer to it. So that's two options there. I think it needs to be put in there, Ginny, because it is a huge increase compared to what you are now. There would be two options, Ed.

Virginia Weeks: The tax base for the paragraph on Page 12, tax base; make note of the 2009 makes note of the 2009 reassessment.

Debbie Pfiel: If information is available by the public release date. If not...

Virginia Weeks: Just make notice of the 2009 reassessment, because they'll either put it in or not; or note that there was one.

Debbie Pfiel: Ed, maybe this is easier, I'm trying to get short bullets for Council, so it will be easier. So maybe we should say, if 2009 assessment information available use it; it not refer to it.

Gene Steele: It's done, isn't it?

Debbie Pfiel: We don't know.

Gene Steele: We've received our tax bills, so it's got to be done.

Virginia Weeks: We've received our new reassessed value.

Debbie Pfiel: I think they're still having hearings.

Louise Frey: People are still complaining, probably.

Virginia Weeks: Page 12, compared to percentages at county and state levels. I suppose that can stay.

Debbie Pfiel: It's census data.

Virginia Weeks: Milton's Labor Force, has this been updated to reflect the increase?

Debbie Pfiel: The only information on the census data that is available is still 2000; so this labor force of 2000 based on the population over the age of 16, we have to use that data.

Virginia Weeks: Okay. Housing Characteristics Milton Housing Units totaled 804 in 2000; if we leave that we don't put in the actual housing units today?

Debbie Pfiel: There is no measurement in place as far as how many houses you have; how many are vacant right now without having somebody go out and do a map of it or look at it; taxes, water bills.

Virginia Weeks: The median housing value in Milton was \$88,000 in 2000, compared to median rent was what? Page 15 Housing Market for Existing Milton Homes...

Ted Kanakos: Page 14? Table 4, the very, very last line; the Town of Milton; it says 23 employees. That's fine.

Virginia Weeks: That's still okay, right?

Debbie Pfiel: The hardest part you have about updating is if there's no measurement tool; if there's nobody tracking what has been sold in the Historic District; what's the average house for sale and it's not done by a census and it's not being done by the Town; there's no way to go back. But it would be nice to know.

Virginia Weeks: Page 16, 2nd paragraph, during the past 5 years there has been a significant increase and interest in and demand of purchase for historic homes; it appears that it may now be possible to sell as many as 10-12 historic houses in a year. I think that sentence should be taken out. There's no possibility of that.

Debbie Pfiel: We don't have a way to prove that in the document, because there is no measurement on it again. That's in the 2nd sentence in the 2nd paragraph.

Ed Kost: We're just going to strike that sentence.

Virginia Weeks: Yes. In addition to increased demand, sales prices have increased markedly and sale times have shortened.

Debbie Pfiel: Usually in Comprehensive Plans you do not say how much something's been sold for and what the trends are; because it's more land use.

Virginia Weeks: Well then take this whole paragraph out.

Debbie Pfiel: To be honest with you, because you cannot show a trend from 2003 forward. We don't have data to back this up as far as updating houses and prices.

Virginia Weeks: I don't want it to say it previously 3 months to sell a historic house. It's now taking 3 weeks or even less.

Debbie Pfiel: I would strike the paragraph.

Virginia Weeks: Is everybody in agreement with striking the paragraph.

Al Perkins: Sounds right to me.

Virginia Weeks: Bottom, commercial real estate.

Debbie Pfiel: Well, you have had some work along the Town Center, you've had the sausage since 2003, the sausage factory, Milton Scrapple has been redeveloped; you have the Theatre the building has been torn down; you have Irish Eyes; not recently, but in the expansion of the time.

Virginia Weeks: Anything on Pages 17 or 18 folks? Page 19? Where is the McCabe Preserve and Canoe Trail?

Robin Davis: Out past Cape Colony, the first road to the left.

Virginia Weeks: Around Pole Bridge Road or whatever it is?

Ted Kanakos: Yes.

Virginia Weeks: Is there a sign there or something?

Ted Kanakos: Yes there is and you can also reach it from the Broadkill, there's a little dock.

Virginia Weeks: Page 20, 21, 22 from the Town Center on the last sentence, next to the last line; the Town Center District is depicted on Exhibit "G"; is it "G" or "F"? I think that's the wrong exhibit.

Debbie Pfiel: Because they had a concept plan.

Virginia Weeks: Actually, concept is Exhibit "I".

Debbie Pfiel: Okay so the Town Center District...

Robin Davis: Actually you can take out "G", because it does say written in the Town Center Plan is shown in Exhibit "T"; as you continue that on. It seemed like it showed in there twice.

Debbie Pfiel: So we'll just make it say "The Town Center Plan is shown in Exhibit "T"". Take out the first half of the sentence.

Virginia Weeks: I would just cross out that "G" thing. Page 23; of the square foot area, yes, the first sentence isn't a sentence. Of the 135,000 blah, blah, blah square foot area in the ...; and then there's nothing more; it should read in the Town Center District. You're right.

Debbie Pfiel: I agree with you. Of the 1,592 square foot building floor area in the Town Center District; it should say of the square foot of building floor area; that doesn't make sense.

Ed Kost: It's not a complete sentence.

Debbie Pfiel: So I would say, wordsmith the first sentence in the 2nd paragraph; we'll be twisting it; we don't have to put down what we're going to say.

Virginia Weeks: Just as a housekeeping thing, Robin, it says you crossed out the two automobile service stations; you need to make it singular. Page 24, 25, 26, 27, 28; we already have the change the park to the town. Do we want to under the parks; under the things that the four elements involved are... I think that for sure Joanie Martin-Brown look at that because she is heading up the new Milton Main Street.

Debbie Pfiel: So on Page 28, Items 1 through 4, we want input from Joanie Martin-Brown, the Economic Development Committee.

Virginia Weeks: Then at the bottom of the next paragraph, should we put in there the new downtown public improvements have been accomplished completing two segments of the Governor's Walk Improvement and Magnolia construction landscape on the Broadkill accent; marketing of the Town Center the improvement of the park and the redevelopment of the Scrapple Factory.

Debbie Pfiel: We have already addressed the park ahead on top, right? But you're saying about the...

Virginia Weeks: I think the Scrapple Factory changes were a very important part to the downtown.

Debbie Pfiel: But it says public improvements. So there's the catch there.

Ed Kost: I have a general question. Are there any plans in the development of the park, to put a sign that says where it is; how you find it? Literally, the first time I went looking for the park, I had to stop and get out of my car and walk around to find how you get into the park. There's nothing that says how you get into the Milton Town Park.

Virginia Weeks: Robin, would you please give that to the Park Committee, that that's a concern?

Robin Davis: That is an issue that a lot of people say we don't want our downtown area cluttered with millions of signs, but then you have areas where you can't get to. It's the same thing; I don't even know how many signs you see for the Municipal Park Lot.

Ed Kost: I was thinking, it's one of the things we carry in our Comprehensive Plan as being really important and it's really good and it's great for the Town and I totally agree; only no one knows it's there.

Ted Kanakos: There's a lot of problem with the signage in the historic district.

Debbie Pfiel: We can have Robin address it with the Town Manager and then the Park Committee.

Ted Kanakos: Page 29 Atlantic Avenue ends at the Milton Little League Fields. I take exception for all rattlesnakes.

Debbie Pfiel: Next.

Ted Kanakos: Don't be so serious, rattlesnakes are people too.

Virginia Weeks: Also, when we look at the existing land use thing, that whole area back there is commercial, rather than institutional, please keep that on your radar. Page 30, we already changed mixed residential use. Page 31, everywhere that you have put the street boundaries; in the northwest quadrant there are no street boundaries; do you want to do it so it's the same as the others?

Debbie Pfiel: Do you mean what's in black?

Virginia Weeks: Yes.

Debbie Pfiel: We didn't do that. It just says the southwest corner of Route 16. So you want to expand on the street areas expansion.

Virginia Weeks: I mean on this northwest it's bounded by...

Debbie Pfiel: I'm just clarifying, I'm not arguing; you want an expansion on the street locations in that district, in that quadrant.

Virginia Weeks: I want it to conform with the southeast and the northeast; I want it to be the same.

Debbie Pfiel: I was just explaining for Ed's note to say that you would like for the northwest quadrant you would like streets annotated in that paragraph.

Virginia Weeks: Page 32, the 1st paragraph, I think a big change to that in the development of the unincorporated... Somewhere we need to say that 28 acres of heavy industrial has come in; that's a huge change.

Debbie Pfiel: Has that been completed and adopted and approved?

Virginia Weeks: Yes. The County Council has approved it.

Debbie Pfiel: For site development, not just a rezone.

Virginia Weeks: Just a rezone.

Debbie Pfiel: I think we should acknowledge the Baker piece and formally find out what stage it is in. In the first paragraph acknowledge the Baker piece of property and the status with the County; so we'll get the details on that to add in there. That way we'll get the details of when it was annexed in and what they've proposed.

Virginia Weeks: Page 33, 34.

Debbie Pfiel: Didn't you say on Page 33 that you wanted to have some kind of discussion in the document about open space recreation and institutional.

Virginia Weeks: The importance of having open space.

Debbie Pfiel: So I would not necessarily have a page, but since you're here I would put the bullet of you want further review on open space and recreation; not necessarily to have a page; but just to ring my bell there. I would put open space, park and recreation.

Virginia Weeks: Page 35, absolutely review LPD.

Debbie Pfiel: As in the wording or the zoning ordinance?

Virginia Weeks: Both do we need it? I mean should it be removed? Ask the Council should it be removed? We have a lot of LPD; we might want to look at cluster housing.

Debbie Pfiel: So what you probably want to look at is your recommendation may be not does the Council want to remove it; because you want input on that; you might want to say revisit mixed use LPD/PUD'S as a whole.

Virginia Weeks: Because you know as well as I do that the LPD's is fraught with all kinds of bad things.

Debbie Pfiel: If you say do they want to do away with it, then you're going to have clusters. What I would probably recommend, Ed, is review of LPD, mixed use and PUD's (Planned Use Development). That opens you up to look at all three options for zoning classification district.

Ted Kanakos: I have a quick question on that same issue. As stated in the Town Zoning Ordinance the purpose of this district is to develop new and redevelop older neighborhoods. How does LPD redevelop older neighborhoods?

Virginia Weeks: That was Cannery Village.

Ted Kanakos: That was the whole concept.

Virginia Weeks: This whole thing was written for Cannery Village.

Debbie Pfiel: Or it could be an old trailer park that has been pulled out and redone.

Ted Kanakos: So Cannery Village, that factory became a neighborhood.

Debbie Pfiel: This is right out of the zoning ordinance. It's just a cut and paste out of the zoning ordinance. That could give you a whole new district revisit.

Virginia Weeks: Page 36, 37 Sussex County Planning & Zoning, do we need to refer to the fact that they have recently, this year, passed a new Comprehensive Plan and Map.

Debbie Pfiel: Yes, correct. We're aware of the map and there haven't been any changes for Milton that would be on the Annexation Growth Area that we proposed and put it on there for temporary.

Virginia Weeks: No actually they increased it to the Baker property; they added the Baker property.

Debbie Pfiel: In the growth area; in Milton's Growth Area.

Virginia Weeks: Yes, in the Sussex County Growth Area for Milton Town; on their Growth Plan they included the Baker property.

Debbie Pfiel: So what we would need to do is I would recommend that any reference to the Sussex County Comprehensive Plan references and updates all of their information in this section, because it's more than just the Baker property. So I would say update with most recent adopted Comprehensive Plan information. That would be two pages probably. After the Committee met, we had to go to a workshop when the County was having the public hearing workshops; and we had to go and make sure that they weren't shrinking the growth area and if we wanted to expand; they weren't reducing our overall area; which is that big purple circle; they weren't reducing our growth area.

Virginia Weeks: They kept it like that; but when the Baker's came in they put a little indentation on the map.

Debbie Pfiel: This is not necessarily an annexation growth area; but the Sussex County for Milton area map is bigger than our growth area that we want. They just kind of took the circle and went like this; it's a pretty big circle and they said everything in here Milton could have first dibs on; and then they modified the Baker.

Virginia Weeks: I think what Louise is concerned about is what is the land use on that lavender square on the County map; could you find that out?

Debbie Pfiel: Well, you would be having those discussions when you redo that map, as well; because you want to have the County zoning when you do that map.

Virginia Weeks: So you'll make sure we have a copy of that map.

Debbie Pfiel: Yes, I'll be more than happy to.

Virginia Weeks: Somewhere here also on the Sussex County Planning & Zoning I think we need to mention a Memorandum of Understanding, which is something that the County has begun to implement with Towns so that if something comes in your growth area, they will come to the Town, Lewes has done one.

Debbie Pfiel: Milton has a draft; Hal Godwin, Robin and I we've received a draft; the Town of Milton has a draft when all that first started close to a year ago; and the MOU has not been completed yet by the Council.

Virginia Weeks: I think it should state that we should implement an MOU.

Debbie Pfiel: Yes, so under Implementation, MOU with County on growth area.

Virginia Weeks: Page 39, 40 this is where we're going to put street names.

Debbie Pfiel: This is going to be just a general item, not a page number. Add County road names and numbers throughout.

Virginia Weeks: Page 41, 42, 43 - the Town Center off street parking. I don't know how you want to handle this. The Process Committee has recommended that all requirements for parking in the Town Center be removed.

Debbie Pfiel: If you go back to the Town Center blurb in the previous pages, we put in there that the Town shall have the flexibility in parking, etc. That document that you are talking about has not been adopted formally yet. But we've referred to flexibility in parking as an item for them to do in the Town Center. We're referring to the tables; are you saying maybe that the last sentence, in addition, parking should be designed for maximum coverage.

Virginia Weeks: Parking standard approaching one space for every 300 square feet should be accomplished.

Debbie Pfiel: I just said, should we take off the last two sentences of that paragraph?

Virginia Weeks: Probably.

Debbie Pfiel: Ed, please strike the last two sentences of that paragraph, because the rest refers to true data. You may need that in the future; if you run into a parking problem; I would keep that in there.

Virginia Weeks: On Page 44 under Milton Scenic Trail and Bikeway Planning, the 2nd paragraph, is it Cave Colony Road or Cave Neck Road?

Ted Kanakos: Cave Neck.

Virginia Weeks: It needs to be fixed.

Debbie Pfiel: Page 44, 2nd paragraph, 2nd line, change Cave Colony needs to be changed to Cave Neck Road.

Virginia Weeks: I think under the Water Transportation it doesn't have anything to do with us; but I think Harry Bunk is looking to put 240 houses up on Broadkill River.

Debbie Pfiel: That's not a Comprehensive Plan item.

Virginia Weeks: Air Service, do we want to add that Baltimore and Philadelphia International Airports are two hour rides. Let's face it folks, Salisbury only goes to two cities.

Debbie Pfiel: It just says the closest air passenger airport is Salisbury-Wicomico.

Virginia Weeks: Yes, but it only goes to two cities.

Debbie Pfiel: You could put that in there; but it may have changed. If you want to put in there reference to Baltimore and Philadelphia Airports. Do you want to do Washington too?

Virginia Weeks: I think it's a more honest view of what it is. Does everybody agree that Baltimore and Philadelphia are two hours away; don't want to give people the impression that you can go everywhere from Salisbury.

Al Perkins: Yes, it's definitely more accurate.

Debbie Pfiel: I would say, reference Baltimore and Philadelphia Airports and then we can wordsmith that.

Virginia Weeks: Rail Service – we don't have any rail service anymore. The tracks have been taken up.

Ted Kanakos: No, we have commercial service.

Virginia Weeks: What rail service do we have?

Ted Kanakos: Delaware Coastal Railroad.

Virginia Weeks: The tracks have been taken up on Chestnut and on...

Ted Kanakos: That's not the Delaware Coastal Railroad; that's just the spur. They come through Ellendale and they bring coal over to the Indian River through Ellendale and then the spur goes in through Lewes. It doesn't go to Waco's Lumber anymore. It only goes to Lavinia Street.

Virginia Weeks: Okay, so is this accurate then? So you want to change that then.

Mary Schreider-Fox: Update Rail Service paragraph.

Debbie Pfiel: Update the rail service paragraph; we'll get a rail service expert. We'll find someone that knows more about the rail, but I would say update the rail service paragraph, Page 45.

Virginia Weeks: Okay, public facilities, it's in black, add H. O. to the Brittingham Elementary School.

Debbie Pfiel: Throughout the document, if it's missing.

Virginia Weeks: I think that's the only place it is. Page 46 are there still two temporary classrooms in use at the Milton Middle School, so that needs to go away.

Al Perkins: No.

Louise Frey: They took the trailers away?

Virginia Weeks: Supposedly.

Debbie Pfiel: Last paragraph, Page 46 – strike current two temporary classrooms in use.

Virginia Weeks: Page 47 Public Parks and Recreation Areas – I think we need to update that to include the Mill Park, where the John Milton Statue is. It's not mentioned anywhere here.

Debbie Pfiel: Update Public Parks and Recreation Areas, because I see some other stuff I think you can update in there too. I would put updates to those two paragraphs.

Virginia Weeks: Great and the 2nd paragraph exists with continuing improvement of Milton.

Ted Kanakos: Wait, it says the opportunity exists for continuing improvement of the Milton Memorial Park, as the Town's central park facility. So Milton Memorial is the main park; but it's not where Mr. Milton sits on that bench.

Virginia Weeks: No, that's the Mill Park.

Debbie Pfiel: No, that's why we said that both those paragraphs should be updated. They've done a lot of work out in that park that needs to be acknowledged here.

Virginia Weeks: Page 47, under Utilities, Verizon provides telephone service; so does Comcast; so do a lot of companies. They still indicate a need for more space.

Debbie Pfiel: We crossed that out because we didn't have interviews with the Police Department at the time.

Virginia Weeks: I don't know, please check on that. Do you need any bureaucracies that say it doesn't say it needs more space?

Debbie Pfiel: I say leave that in there. I would say update Utilities to reflect all franchises, like you had Comcast. Update the Utility section to acknowledge all franchises.

Virginia Weeks: Where is it available? Page 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 1st paragraph, I think we need to add the Museum; it has added a lot to this Town; and it does a lot to market Milton.

Debbie Pfiel: Add Museum, 1st paragraph.

Virginia Weeks: In the 3rd paragraph, we don't do a Governor's Day anymore, right? I don't think we do a Governor's Day anymore.

Ted Kanakos: We have a Spring Bass Open on Wagamon's Pond also.

Virginia Weeks: No, we don't have a Spring Bass Open and we don't have an Easter Egg Hunt.

Al Perkins: They do have a Spring Bass Tournament.

Virginia Weeks: The Chamber does not do an Easter Egg Hunt anymore; and it doesn't do Governor's Day.

Debbie Pfiel: Update paragraph 3 events. We need to get them all in there.

Virginia Weeks: Plus which you need to update the days that the Historical Society is open, because it says it's only on certain days in the summer.

Debbie Pfiel: Update that paragraph then.

Virginia Weeks: Is this going to come back to us to look at again?

Debbie Pfiel: We don't know if they've approved us to do this work, so it goes to Council as what you want to do and they will determine what they're going to task after that.

Virginia Weeks: Page 59, I just have a question. The Comprehensive Plan Update for the Town of Milton is both an inventory of Milton's Assets and a Statement of Goals. Where are the goals?

Debbie Pfiel: They are throughout the document. That's standard language in a Comprehensive Plan. Your Comprehensive Plan is the goal.

Virginia Weeks: Last paragraph, do we need to add Heritage Creek, Sam Lucas and continued commercial mix and development; along with Route 16 revitalization and redevelopment of Town Center and the redevelopment of Cannery Village, as a mixed use area at the south end of Milton?

Debbie Pfiel: I recommend striking that entire sentence because you've listed them out multiple times throughout the document. You've listed out what's going to be built.

Virginia Weeks: So from "the most - to Milton." And the most significant transportation change is the Implementation of the Milton Truck By-Pass.

Debbie Pfiel: That's been done. So you're right, from "the most significant" both those sentences that start with that strike.

Virginia Weeks: Page 60 here we list the possible... Do we want to add them?

Debbie Pfiel: Have they been built yet?

Virginia Weeks: No, but Heritage Creek has and Sam Lucas...

Debbie Pfiel: We're saying want to add in here what has been built.

Virginia Weeks: Only what's been built?

Debbie Pfiel: You don't know if it's a benefit, until after it's built.

Ted Kanakos: We have Chestnut Crossing and we have other developments.

Debbie Pfiel: So you want us to add all potential developments, like we've done on that chart previously, okay.

Ted Kanakos: And ones that are completed already.

Debbie Pfiel: Okay, so the 1st paragraph, Page 60, insert build-out table.

Virginia Weeks: Getting back to my favorite conundrum. Federal Government, State of Delaware and Other Agencies, Number 3, Preserve to the east and the Pembrokeshire and Brittingham Branches to the west of Milton by putting the Baker Heavy Industrial right on them. Natural protection techniques for new development - No. 1, should we mention there that the Charter now requires a 50' setback?

Debbie Pfiel: Remember that when you put wording in multiple documents and you go to change them, you have to change multiple documents; so if it's already in one of your documents, you don't have to put the exact language in another one.

Virginia Weeks: Should we put Refer to Charter.

Debbie Pfiel: I wouldn't, because that doesn't even belong in your Charter, so when you go for a Charter change some day; that should probably be worded into your zoning ordinance. I wouldn't refer to that here, because it's another stand alone document that's a law.

Virginia Weeks: Page 61 - Residential areas: is this a place to put that we should start considering looking at some sort of design control?

Debbie Pfiel: I probably know where you are going. I would say the bullet that you would like to have Architectural and Design Standard Guidelines to review and begin constructing them.

Ted Kanakos: For the entire town?

Debbie Pfiel: Yes, for the entire town.

Ed Kost: One of the things that bothered me with the zoning ordinance was is the section that deals with Recreational Areas within residential developments. It says absolutely nothing.

Debbie Pfiel: Your zoning ordinance says nothing. But remember, Ed, as a bullet that you put on your recommendation was to address open space parks and recreation; that is public and private. With that bullet, I know where you're going with this; what's active, what's passive; what's you're going to require; how many acres, on each project? With that bullet, that task should cover that topic. On this one, I would put Policies and Projects; you want consideration of Design Standards and Architectural Guidelines.

Virginia Weeks: This is not going to change his bullet, but remember when we were talking about marketing Milton and we wanted to add the Museum, something should be said about the Garden Club, as well. They do all the flowers and plants down along the street.

Debbie Pfiel: If we could go back to that bullet on the Museum, I think you need to do all the non-profit agencies. Because you can't just say no American Legion; no Moose; you have to do every community agency; if you are going to list some of them, you have to list them all.

Virginia Weeks: The Museum does a great outreach; it's got things at the Ferry.

Debbie Pfiel: I agree, but you can't limit it there.

Virginia Weeks: We don't have an American Legion, so it's okay.

Debbie Pfiel: I'm saying it's all non-profits or none, so we need to make a list.

Virginia Weeks: I think that we should mention that the Garden Club somewhere has done a terrific job. Page 62 Town Center – should include public access along the waters edge and retention of any municipal lots. Is that the same thing? We've got the sewer plant that is eventually going to come down; we've got the lot next to it which is a municipal lot.

Debbie Pfiel: I really don't think you need to mention public or town lots, because they can sell them or they can do something else; they can adjust lot lines, so I don't think you need to mention the town lots; just a thought.

Virginia Weeks: I was trying to prevent them from selling them.

Debbie Pfiel: The Comprehensive Plan won't stop that, that's a budget thing. You might need it to get this done.

Virginia Weeks: I have an objection on Page 62, the next to the last line. "And face the handsome Governor's Walk on the opposite bank." It faces the municipal parking lot. Can we be honest here? Remove handsome. Number 4 has been completed, I believe, on the top of Page 64. Okay, Page 63, Number 9 has been completed and done, so that can be removed.

Debbie Pfiel: Okay, Ed, strike Number 9.

Virginia Weeks: Number 11, Develop additional parking facilities, we're getting rid of parking, so let's get rid of that.

Debbie Pfiel: Facilities; some day you may have; that's not a good option to leave in. If you have a parking problem downtown; you may expand the town parking lot. So I definitely recommend that that stay in.

Virginia Weeks: But is this going to force us, for example, if a big lot in the Town Center is sold, that corner thing, and he wants to develop it, is this going to force us to make him look at parking at that time?

Debbie Pfiel: No, what this is, if it is a facility it is going to have to be public. You can't make somebody do a public parking facility and take away their rights of their property. Eminent domain outweighs. Strike Number 4.

Ted Kanakos: Page 63; begin to market the Broadkill River as a means for day trippers to access Milton's Town Center.

Virginia Weeks: Page 64, Number 5 - if the Town Center gets developed, they figure boats will come down the canal. Or it would take the Milton Chamber of Commerce and DelDOT to develop additional Milton gateway signage and renew the present gateway signs, which are really awful.

Debbie Pfiel: Or if those come down and you want put landscaping and signs, I think the wording there is perfect. I think the wording there should stand. If they do new signage and you want landscaping and you want a nice gateway, you're going to have to work with those agencies anyway.

Virginia Weeks: Like the sign that is out on Route 16 is yucky.

Debbie Pfiel: But it says work with the Chamber and DelDOT to develop additional Milton gateway signage and renew the present gateway signs. So you're having them do it.

Virginia Weeks: We're not interested in attracting new industries to appropriate sites. We're not going to have any, when we're done with that map.

Debbie Pfiel: Actually, that's incorrect. It's provided market additional sites. There are some industrial sites that you may want in your town; I'm not talking about the heavy; but there are some; you have some now that are welcomed.

Virginia Weeks: Page 65, once again under Transportation, to implement effective bypass. Number 1 has been done, it needs to be removed. What about add to Town Center Parking; same thing?

Debbie Pfiel: Under Transportation?

Virginia Weeks: As a revitalization of set to proceeds.

Debbie Pfiel: I think you should leave that in as goals and directions.

Virginia Weeks: I think they should buy the lot across from the Fire Department and put a Town Parking Lot there. Work with County/Region/State agencies to assure continued air and rail service in the area.

Ted Kanakos: There's your Philadelphia and Baltimore.

Virginia Weeks: No, but we don't have rail service in the area anymore; it's been discontinued.

Ted Kanakos: In the future, they might put a rail line here.

Debbie Pfiel: Do you remember the rail that used to go to Lewes, the dinner car?

Virginia Weeks: No.

Debbie Pfiel: They had a dinner train/mystery thing that would go on the tracks from Georgetown there; so if there's something that could happen like that, that's the coordination if it could do tourism and if you ever have the possibility; it just could work with them to develop it.

Virginia Weeks: How about as a tourism vehicle.

Debbie Pfiel: I would leave it as an air and rail service; rail could be transportation; it can be cargo; it can be whatever. I would leave it the way it is.

Mary Schreider-Fox: Well you never know what kind of transportation would develop.

Debbie Pfiel: I think we already have this item covered because we have to update the events and then it will slide over into this.

Virginia Weeks: I think your thoughts about recreation are covered, Parks Recreation Facilities Number 3 – as new private development projects are proposed, encourage developers to provide small parks, top lots, sitting areas, trail access and open spaces.

Ed Kost: All we're talking about is on Page 65, Parks and Recreation, Number 3, it says to encourage developers to provide small parks, top lots, sitting areas, trail access and open spaces. I don't want to encourage them; I want to lay down specific standards. If you build 100 homes, this is what we expect you to do; or provide cash in lieu of.

Debbie Pfiel: But you have the bullet that says you want to research and review open space parks and recreation. That covers the whole document, so whatever comes out of that should be changes to all of these.

Virginia Weeks: Okay, so to that bullet, let's say both public and private.

Debbie Pfiel: Okay, go back to Item b or c or d. The Comprehensive Plan is not going to give specifics; but this would give you the map to give the specifics. You're going to have to change the zoning, not just this. That's more of a zoning.

Virginia Weeks: Page 66 Wordsmithing, 3rd line down – any recreational areas intended solely for residents of a particular area must be maintained. How about “shall” be maintained. It’s stronger, isn’t it?

Mary Schreider-Fox: Either one.

Virginia Weeks: Either one; must has the same force as shall?

Mary Schreider-Fox: Yes.

Virginia Weeks: There are certain legal ramifications to the word “shall”.

Mary Schreider-Fox: There is certain mandatory language as opposed to permissive, so either word is fine.

Virginia Weeks: Must is mandatory.

Mary Schreider-Fox: Yes, you’re compelling somebody; you’re saying they must do it.

Virginia Weeks: Okay, Civic Buildings and Public Schools, Number 2 has been done.

Debbie Pfiel: Ed, you need to do this. Page 66, Civic Buildings and Public Schools, delete Item Number 2.

Virginia Weeks: Page 67, 68, 69 there’s been a change because of the Charter; the last sentence where there is interest in part of one or more property owners for annexation, the Town should implement its procedure for asking its Planning & Zoning Committee to study. The Planning & Zoning is totally out of annexations now. It’s all done at the Town Council level.

Debbie Pfiel: There are a lot of questions about the Charter. The Annexation section of the Charter we reviewed, meaning the Engineer, the Planner and the staff and have several questions because we weren’t involved in that and neither was the Planning Commission. It got passed through the General Assembly. We have more questions now on the interpretation of that and our assumption was that it takes longer and it’s harder and the Planning Commission was cut out of the process. We gave that document to George and he’s given that to the Attorney, and that interpretation and that work and she had more questions then we had, so basically what I would probably do here is we took that whole paragraph out and we put in “An Update Was Adopted” – we could honestly not answer that paragraph with anything else, other than that, at the time. We still can’t.

Virginia Weeks: Okay, so we’ll take out all the black.

Mary Schreider-Fox: I’ve got the Charter in front of me and Section 3 of the Charter talks about Annexation of Territory and there are certain portions where the Planning & Zoning Commission is referenced in action by the Planning & Zoning Commission. For example, in sub-paragraph j it talks about in certain events following the Town Council’s receipt of Planning & Zoning’s commentary on the Site Plan and recommendation for the Zoning Classification... So there is a Planning & Zoning element in the Annexation process in the current charter. It may not be what you were used to before, prior to this Charter change, but there...

Virginia Weeks: But not on the proposal to determine whether the Annexation is advantageous.

Debbie Pfiel: In this, you do a study and the study you’ve always done has been advantageous, disadvantageous and you list out the things. I think that’s still correct; we could not elaborate on that paragraph any more than is in your Charter at this time.

Mary Schreider-Fox: Leave it to, everyone should read the Charter and interpret it.

Virginia Weeks: Page 70 for areas the annex the Town envisions a mix of residential, commercial uses, with the possibility of industrial uses that may be located in industrial

park. There are a few large parcels along Route 16 west of town that would be appropriate for the... I want that removed if that is in accordance with the maps, because it may be moved from that.

Debbie Pfiel: Well, you put your bullet on there to review the entire LPD, so that goes throughout this entire document; that's not just the blurb in the front. That goes through the whole document.

Virginia Weeks: This is specifically talking about land that could be annexed west of Route 16.

Debbie Pfiel: You have that on your Growth Map now, that's true.

Virginia Weeks: Right, so if we remove it there, we have to remove that sentence.

Debbie Pfiel: Correct, you already have Exhibit "G" as to work on, that's my point. You already have a bullet saying review the LPD. I don't think you have to go line by line; you have to go through the whole document when you rewrite that chapter.

Virginia Weeks: But if we leave this in here, doesn't the map have to reflect it?

Debbie Pfiel: The map does now, Ginny, is my point.

Virginia Weeks: But if we want to remove it from the map.

Debbie Pfiel: Whatever you change in the map, here's my point; the wording has to complement this document. I don't think it needs to be line item by line item, until it gets changed. You can't take this out until you guys work on your Exhibit "G". I agree with you. When you do Exhibit "G", which you've requested that on Ed's list of a through 50,000, you will have wording throughout this entire document to reflect that. You'll change the document.

Mary Schreider-Fox: These little changes will flow from other bigger changes that you've done.

Virginia Weeks: Page 71, Page 72, Capital Improvements Program, 1st line, I think you need to remove sewer from that line.

Debbie Pfiel: Okay. Ed, Page 72, d, strike the words " and sewer".

Virginia Weeks: What do you think about paragraph e?

Debbie Pfiel: I think it needs to stay and they need to review it again.

Virginia Weeks: Okay. Page 73. And we are finished.

Debbie Pfiel: We have a thought for your vote. If you could adopt it contingent upon the Secretary's Notes, as a consensus and they should be attached to the minutes, because we already have had all this discussion for the past 2 hours, so we can attached that to the minutes when you approve your minutes, as well. Rather than read every single one of them, if you all agree with the consensus of everything we've discussed; if they all agree with everything that you want to work on in that list; we can say as noted in the Secretary's Notes, which is attached to the minutes. Ed, if we need time to cross-reference with the minutes, we can have the time.

Ed Kost: When I finish, when I type this, it's going to be my best shot at what we just did; I'm going to turn it over to Robin in the next day or so and then from there it's your problem.

Debbie Pfiel: Yes, exactly. Ginny, for that specific motion we would have this attached to the minutes, because it is longer.

Virginia Weeks: Is everybody in consensus with what we've done. Anybody want to add or review anything? We need to formulate a motion so that maybe it would say the following are our recommendations to the Comprehensive Plan Update for additional

items to the project of the Town Council's consideration as enumerated in the Secretary's Report.

Ted Kanakos: I make the motion referencing the Chairwoman's wording.

Gene Steele: Second.

Virginia Weeks: Voice vote.

Ted Kanakos	Yes
Al Perkins	Yes
Ed Kost	Yes
Virginia Weeks	Yes
Louise Frey	Yes
Gene Steele	Yes
Virginia Weeks	Yes

5. Motion to Adjournment

Ted Kanakos: I make a motion that we adjourn at 10:53 p.m.

Gene Steele: Second.

Virginia Weeks: All in favor. Motion passed.